



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 22nd October, 2015**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Jean Paul Floru (Chairman)
Susie Burbridge
Aziz Toki



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. DUCK & RICE, FIRST FLOOR, 90-91 BERWICK STREET, W1

(Pages 1 - 28)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
1.	West End/ West End Stress Area	Duck & Rice, First Floor, 90-91 Berwick Street, W1	New	15/06480/LIPN

2. TOP DOG EATS, BASEMENT AND GROUND FLOOR, 48 FRITH STREET, W1

(Pages 29 - 62)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
2.	West End/ West End Stress Area	Top Dog Eats, Basement and Ground Floor, 48 Frith	Variation	15/05492/LIPV

		Street, W1		
--	--	------------	--	--

3. RUBY BLUE, GROUND FLOOR, QUEENS HOUSE, 1 LEICESTER PLACE, WC2

(Pages 63 - 98)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's/ West End Stress Area	Ruby Blue, Ground Floor, Queens House, 1 Leicester Place, WC2	Variation	15/06429/LIPV

4. CHINA EXCHANGE, GERRARD BUILDING, 32-35 GERRARD STREET, W1

(Pages 99 - 120)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
4.	St James's/ West End Stress Area	China Exchange, Gerrard Building, 32-35 Gerrard Street, W1	New	15/07179/LIPN

**Charlie Parker
Chief Executive
16 October 2015**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

PERMITTED TEMPORARY ACTIVITIES

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

Item No:	
Date:	22 October 2015
Licensing Ref No:	15/06480/LIPN - New Premises Licence
Title of Report:	Duck & Rice First Floor 90-91 Berwick Street London W1F 0QB
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 August 2015		
Applicant:	Duck & Rice Limited		
Premises:	Duck & Rice		
Premises address:	First Floor 90-91 Berwick Street London W1F 0QB	Ward:	West End
		Stress Area:	West End
Premises description:	<p>The premises are currently operated as a restaurant on the first floor and a bar on the ground floor with an outside area for tables and chairs.</p> <p>The application is to seek a new premises licence for the first floor with toilets and kitchen facilities on the ground and basement levels.</p>		
Premises licence history:	The premises are currently licensed and the licence history can be found at Appendix 3		
Applicant submissions:	Proposed conditions		

1-B Proposed and previous licensable activities, areas and hours						
Late Night Refreshment						
Indoors, outdoors or both		Proposed :			Existing:	
		Indoors			Both	
	Proposed Hours		Existing		Licensable Area	
	Start:	End:	Start:	End:	Proposed:	Existing
Monday	23:00	01:00	23:00	23:30	Basement, Ground and First Floors The Environmental Health has proposed condition to restrict Licensing Activities to the first floor	Basement, Ground and First Floors
Tuesday	23:00	01:00	23:00	23:30		
Wednesday	23:00	01:00	23:00	23:30		
Thursday	23:00	01:00	23:00	23:30		
Friday	23:00	01:00	23:00	00:00		
Saturday	23:00	01:00	23:00	00:00		
Sunday	23:00	01:00	N/A	N/A		
Seasonal variations:	Proposed:				Existing:	
	To extend authorised hours on New Year's Eve until the start of hours on New Year's Day				Not applicable	
Non-standard timings:	Proposed:				Existing:	
	Not applicable				Sunday before Bank Holiday 23:00 to 00:00	

Sale by Retail of Alcohol						
On or off sales or both:			Proposed :			Existing:
			On sales			First Floor – On Ground Floor – On and Off
	Proposed Hours		Existing		Licensable Area	
	Start:	End:	Start:	End:	Proposed:	Existing
Monday	10:00	01:00	10:00	23:30	Basement, Ground and First Floors The Environmental Health has proposed condition to restrict Licensing Activities to the first floor	Basement, Ground and First Floors
Tuesday	10:00	01:00	10:00	23:30		
Wednesday	10:00	01:00	10:00	23:30		
Thursday	10:00	01:00	10:00	23:30		
Friday	10:00	01:00	10:00	00:00		
Saturday	10:00	01:00	10:00	00:00		
Sunday	12:00	01:00	12:00	22:30		
Seasonal variations:	Proposed:				Existing:	
	To extend authorised hours on New Year's Eve until the start of hours on New Year's Day				Not applicable	
Non-standard timings:	Proposed:				Existing:	
	Not applicable				Sunday before Bank Holiday 12:00 to 00:00	

Hours premises are open to the public						
	Proposed Hours		Existing Hours		Premises Area	
	Start:	End:	Start:	End:	Proposed:	Existing:
Monday	10:00	01:30	10:00	23:30	Basement, Ground and First Floors The Environmental Health has proposed condition to restrict the provision of Licensing Activities to the first floor	Basement, Ground and First Floors
Tuesday	10:00	01:30	10:00	23:30		
Wednesday	10:00	01:30	10:00	23:30		
Thursday	10:00	01:30	10:00	23:30		
Friday	10:00	01:30	10:00	00:00		
Saturday	10:00	01:30	10:00	00:00		
Sunday	12:00	01:30	12:00	22:30		
Seasonal variations:	Proposed:				Existing	
	To extend authorised hours on New Year's Eve until the start of hours on New Year's Day				Not applicable	
Non-standard	Proposed:				Existing:	

timings:	Not applicable	Sunday before Bank Holiday 12:00 to 00:00
Adult Entertainment:	Not applicable	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	26 August 2015
<p>I refer to the application for a New Premises Licence.</p> <p>The premises are located within the West End Stress Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>The applicant has submitted floor plans of the First floor dated 12/3/14</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' the premises Monday to Saturday between 10.00 and 01.00 hours and Sunday between 12.00 to 01.00 hours. On New Year's Eve Supply of Alcohol from the end of authorised hours to commencement of authorised hours on New Year's Day. 2. To provide Late Night Refreshment 'Indoors' Monday to Sunday between 23.00 and 01.00 hours. On New Year's Eve Late Night Refreshment from the end of authorised hours to commencement of authorised hours on New Year's Day. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Stress Area. 2. The provision and hours for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Stress Area. <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Stress Area.</p> <p>The applicant has provided conditions in support of the application which do not fully address the concerns of Environmental Health and additional conditions have been proposed.</p> <ul style="list-style-type: none"> • Licensable activities are permitted on the first floor only. 	

- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

These conditions have not been agreed by the applicant

Responsible Authority:	Metropolitan Police
Representative:	Adam Deweltz
Received:	18 August 2015

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the 'West End Stress Area', a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

In order for the police to withdraw their representation, we would like the following conditions added to the operating schedule:

1) The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

2) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

3) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

4) A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards,

such as a driving licence, passport or proof of age card with the PASS Hologram.

5) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open. These conditions have not been agreed by the applicant.

2-B Other Persons	
Name:	The Soho Society
Address and/or Residents Association:	St Anne's Tower 55 Dean Street London W1D 6AF
Received:	28 August 2015

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

Activity	Indoors/Outdoors	Alcohol Consumed	Time Period	From	To
Late Night Refreshment	Indoors		Monday to Sunday	11:00 PM	01:00 AM
Sale by Retail of Alcohol	Indoors	On Premises	Monday to Saturday	10:00 AM	01:00 AM
Sale by Retail of Alcohol	Indoors	On Premises	Sunday	12:00 PM	01:00 AM

Hours of operation

The proposal includes licensable activities, including sale of alcohol, outside of Westminster core hours. The premises are in the West End Stress Area. There is a concentration of private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. They are particularly concerned about the possibility of extending the hours of operation of this premises. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

Yours faithfully,

David Gleeson
Licensing Chair

Name:	Miss Clair Malone
Address and/or Residents Association:	2 Kemp House 103 Berwick Street London W1F 0QT
Received:	28 August 2015

I want to object to this licence on the grounds of preventing crime and disorder and preventing public nuisance.

The applicant is seeking to extend the licence outside core hours. There are many hundreds of residents within 50m of this public house. Including Kemp House, The Salt House, Ingestre Court, Trenchard House and many others.

Make no mistake – the ground floor of this establishment IS a public house – despite the bar snacks offered. Indeed, on the 9th September 2014 Graham – representing Duck and Rice - took to the West End Girls show on Soho Radio – the local radio station and later to twitter to reassure people that it was indeed a pub.

It seems that when Duck and Rice are dealing with Licensing applications they mention food – but when advertising the premises to their customers they mention pub. In truth it is both, the first floor being a restaurant and the ground floor being a pub – as per the terms of the applicant's lease requiring pub use. It is possible to consume alcohol on the ground floor without having to purchase the optional bar snacks on offer.

This means that there will be intoxicated people leaving the premises in the middle of a residential area of Soho at 1.30am. I find this proposal simply unacceptable.

I do hope the committee will leave the license as it is – within core hours in the Westminster stress area is

Name:	Mr Andrew Murray
Address and/or Residents Association:	Kemp House Association 53 Kemp House Berwick Street London W1F 0QU
Received:	31 August 2015

Kemp House Residents Association objects to any licensed activity beyond core hours in this highly residential location.

Kemp House (57 flats) and Ingestre Court (52 flats) are in the immediate vicinity, along with a number of private flats on Berwick and Broadwick Streets. In addition, Trenchard House (78 flats) is due to be occupied in the near future.

After the applicant had made amendments to its initial application, KHRA did not object to the licence that was granted to Duck and Rice in 2013. These amendments included a reduction in hours back to core hours. The applicant was fully aware of our objection to anything beyond this, and it is therefore disappointing that there was no direct consultation with us before the present application was submitted. However, nothing has changed in the local situation and we have not changed our position.

Any extension of hours will lead to a loss of residential amenity and is also likely to set a

precedent which would begin a change of character for this location, both against council policy. Currently night time activity ceases with core hours. Some residents would argue this is already too late. The significant extension of hours applied for would inevitably lead to increased incidents of noise disturbance by patrons as they leave, however well-behaved they might be in general. This would be more of an intrusion than at present, as the area is significantly quieter after core hours. In the summer months it would have a particularly detrimental effect on flats without air conditioning -including Kemp House and Ingestre Court - when open windows are desirable.

The immediate area is not currently part of Soho's late night economy and, given the intensity of residential accommodation, we expect the council to resist any expansion here.

Name:	Mr Mark Teverson
Address and/or Residents Association:	9 Berwick Street London W1F 0PJ
Received:	7 August 2015

I have rung the noise people at Westminster about late night noise, which is not controlled by this new pub. I have also rung the noise enforcement team about heavy drill work on the outside at 6am in the morning - this call was made after being abused by the workmen when asked to wait till am.

The opening hours for this noisy pub are already a disturbance. 1.30am is ridiculous. The residents would prefer 11pm at the latest, and no-one outside after 9pm

Name:	Berwick Street Community Group
Address and/or Residents Association:	9 Berwick Street W1F 0PJ
Received:	7 August 2015

Berwick Street Community Group strongly object to this 1.30 am application. In the short time this pub/restaurant has been open, we have complained twice to Westminster noise control.

The street noise every night from these premises is always a nuisance. All the other small winebars and restaurants on Berwick Street have a 12 midnight closure, and rarely cause any disturbance.

The previous pub, The Endurance, also attracted complaints, and had a 9pm no-one outside restriction. We strongly recommend that is imposed on the current licensees. These premises seem to attract owners with no concern for the local community and with only an eye for profit.

All the local residents are fearful Westminster council will allow the nature of our famous cultural and residential street to irrevocably change. Please show your concern by denying this application and restricting the street noise to 9pm.

Name:	Berwick Street Community Group
Address and/or Residents Association:	9 Berwick Street London W1F 0PJ
Received:	7 August 2015

1.30am is too late.
 12 midnight max, 10.30 Sun
 We have objected to noise at this venue.
 There is considerable disturbance outside in this very residential area

3. Policy & Guidance

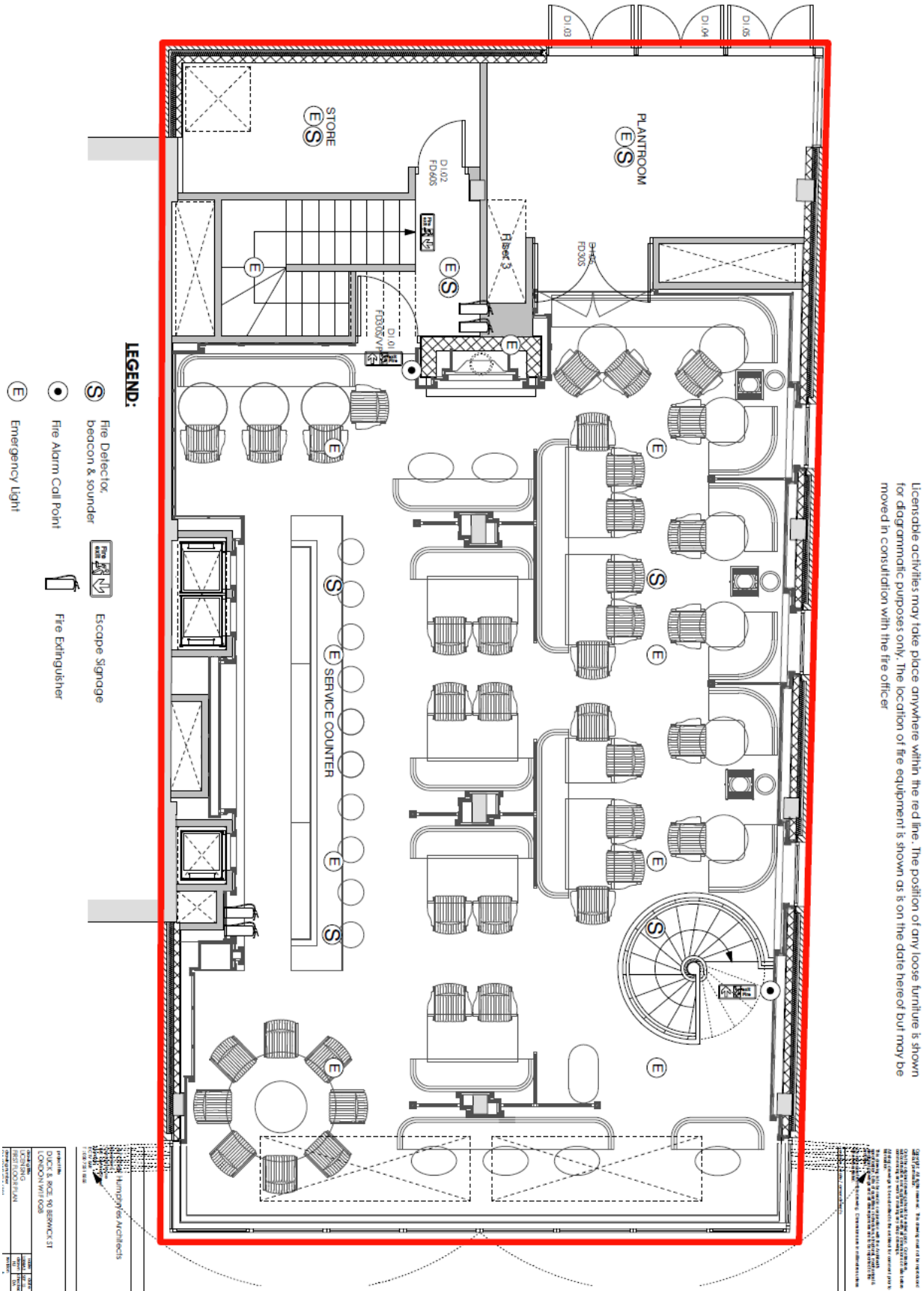
The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy STR1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.:</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy RNT2 applies:	<p>Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.</p>

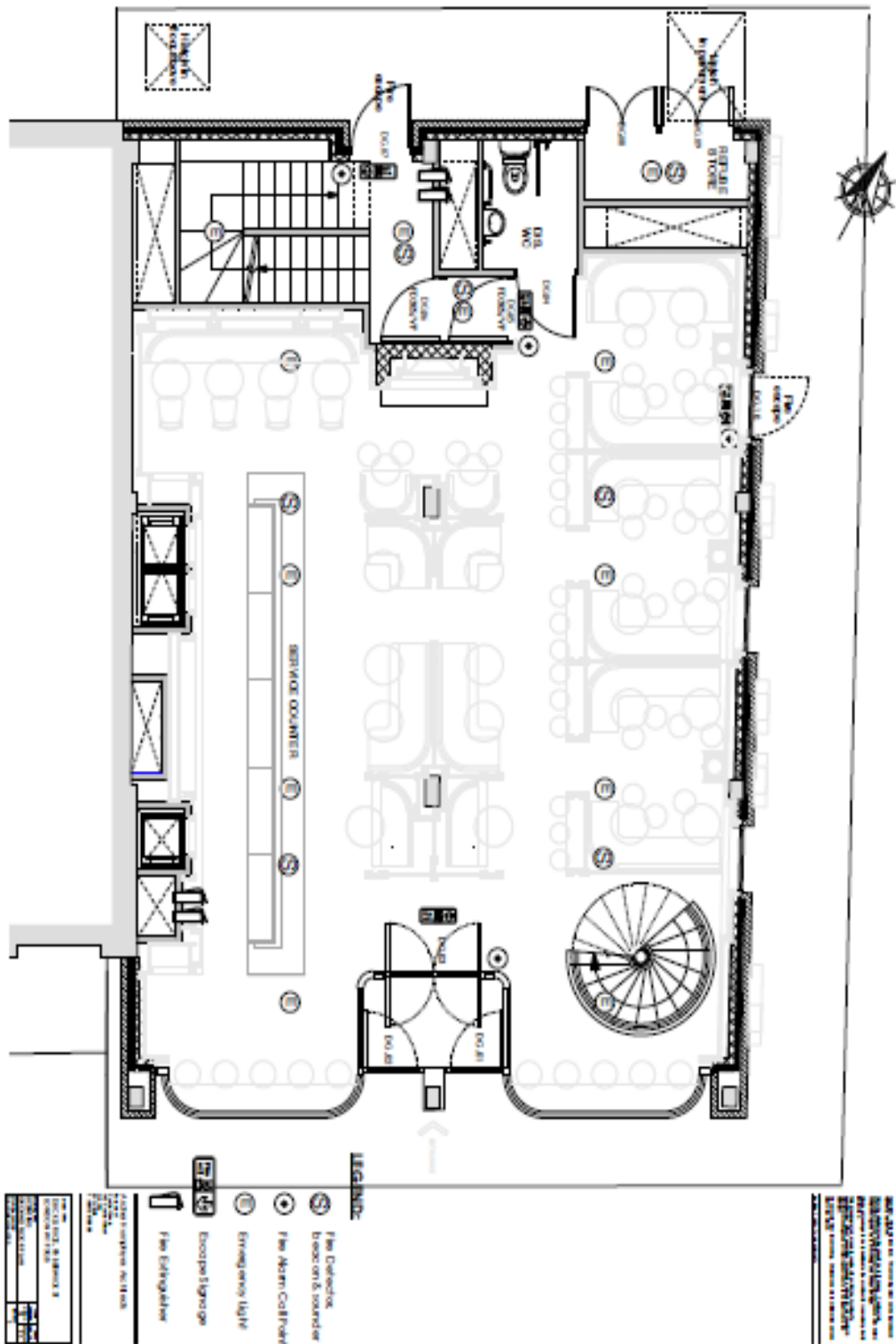
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk



Licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of the equipment is shown as it is on the date hereof but may be moved in consultation with the fire officer



DUCK AND RICE
FIRST FLOOR, 90 – 91 BERWICK STREET

MANDATORY CONDITIONS

All applicable Mandatory Conditions

PROPOSED LICENSING CONDITIONS

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
11. There shall be no payment made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. All waste should be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times save for the waste kept in sealed receptacles off the high way and no glass bottles at all should be placed outside the premises between 22:00 and 08:00
15. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or local crime reduction scheme approved by the police and local radio scheme, if available.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Signs to remind their customers to exit the premises very quietly and respect the residential neighbourhood when leaving the premises shall be put up very visibly inside the premises.
21. The first floor of the premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
22. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
23. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. All external doors shall be kept closed after 21.00 hours except for the immediate access and egress of persons.
26. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
27. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

28. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
29. On each Wednesday, Thursday, and Friday a SIA registered door supervisor shall be on duty on the ground floor entrance in use at the premises after 18.00 hours whilst the premises are open to the public.
30. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

First Floor - 100.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and variation	To convert the existing licences and vary the licence	09.09.2005	Conversion granted under delegated authority Variation refused
Appeal	Appeal against the conversion and variation application	13.12.2006	Determined by Magistrates Court
Review	Review of the Premises Licence	26.06.2008	Determined by Licensing Sub Committee
Appeal	Appeal against Review application	30.06.2009	Appeal refused by Magistrates Court
Appeal	Appeal against decision of Magistrates Court decision	21.07.2009	Appeal dismissed
Court of Appeal	Application to the Supreme Court seeking permission to appeal.	26.01.11	Appeal refused
Minor	Application for a minor variation	19.09.2011	Granted under delegated authority
Transfer	Transfer the premises licence	11.04.2012	Granted under delegated authority
Variation	Application to vary the premises licence	17.07.2012	Application withdrawn by applicants
Transfer	Application to transfer the premises licence from Shaftesbury Soho Limited to Duck & Rice Limited	15.06.2013	Granted under delegated authority Licence suspended 11.11.13 for outstanding annual fee.

New	Application for a new premises licence for the ground and first floor	10.10.13	Granted by Licensing Sub-Committee
Minor Variation	Application to change the layout of the premises and to vary capacity so as to reduce by 20 on the ground floor and increase by 20 on the first floor	31.3.14	Granted under delegated authority
TEN	Temporary Event Notices for extension of hours on New Year's Eve until 03:00	24.11.14	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 25.7.15 until 02:00	10.7.15	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 1.8.15 until 02:00	17.7.15	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 12.9.15 until 02:00	3.8.15	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 19.9.15 until 02:00	3.8.15	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 26.9.15 until 02:00	3.8.15	Notice acknowledged

Appeal History re: ENDURANCE, 90-91 BERWICK STREET W1

On 26 and 27 July 2008 the Licensing Sub-Committee considered an application made by the Environmental Health Service for a Review of a premises licence in respect of the Endurance Public House, 90-91 Berwick Street W1 on the grounds of public nuisance. Representations in support of the application for Review were also received from the Police and from local residents. In addition, representations against the Review were received from the licensee, from the Westminster Licensees Association, and from a number of local residents in Berwick Street and Hanson Street. In addition representations in support of the licensee, and against the Review, were received from 36 local businesses, and 10 traders from Berwick Street Market.

The decision of the Sub-Committee was to add a number of additional conditions to the premises licence including that "no customer shall be permitted to take drinks from the premises in an open container after 18.00".

Notice of appeal was received from Hope and Glory Public Houses Ltd against the decision of the Licensing Sub-Committee.

Judgment was handed down on 30 June 2009 dismissing the appeal, and awarding costs to the City Council.

On 13 July 2009, the City Council was served with the Notice of Hearing in the High Court for an Application to Stay the decision of the Magistrates' Court. The City Council, as Interested Party in the proceedings, served additional written evidence in advance of the hearing.

On 15 July 2009, Burton J in the High Court considered the Claimants application and the written evidence submitted on behalf of the Claimant and the Interested Party. At that hearing the Claimants, undertook to withdraw their request for District Judge Snow to state a case and instead requested leave to proceed by way of an amended application for Judicial Review of the District Judge's decision. Burton J ordered that there be leave for the Claimant's to amend their application for Judicial Review and adjourned proceedings to continue on 21 July 2009.

On 21 July 2009, the hearing of the above matter continued before Burton J in the High Court. Burton J refused permission for Judicial Review and refused to grant a stay. He awarded costs to the City Council.

A renewed application to the Court of Appeal for permission to Judicially Review District Judge Snow's decision was refused by the Court of Appeal on the papers. A renewed application for an oral hearing was then made by the Claimants.

On 19 May 2010 Application for permission to appeal was granted in the Court of Appeal but limited to only one ground whether "The court erred in directing that it would only reverse the decision of the Licensing Sub-Committee if it was satisfied that the decision was wrong". The appeal was heard on 9 November 2010 before Wall LJ, Laws LJ and Toulson LJ. Judgment was received dismissing the appeal. Costs were awarded to the City Council.

The Claimant then submitted an application to the Supreme Court seeking permission to appeal. The City Council lodged a notice of objection to the notice of appeal with the Supreme Court. The Supreme Court refused the Claimant's permission to Appeal.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions proposed by the applicant

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

10. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
11. There shall be no payment made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. All waste should be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times save for the waste kept in sealed receptacles off the high way and no glass bottles at all should be placed outside the premises between 22:00 and 08:00
15. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or local crime reduction scheme approved by the police and local radio scheme, if available.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Signs to remind their customers to exit the premises very quietly and respect the residential neighbourhood when leaving the premises shall be put up very visibly inside the premises.
21. The first floor of the premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or

waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

22. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
23. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. All external doors shall be kept closed after 21.00 hours except for the immediate access and egress of persons.
26. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
27. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
28. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
29. On each Wednesday, Thursday, and Friday a SIA registered door supervisor shall be on duty on the ground floor entrance in use at the premises after 18.00 hours whilst the premises are open to the public.
30. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed.

First Floor - 100

Conditions proposed by the Police

31. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Alternative to condition 21

32. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Alternative to condition 12

33. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

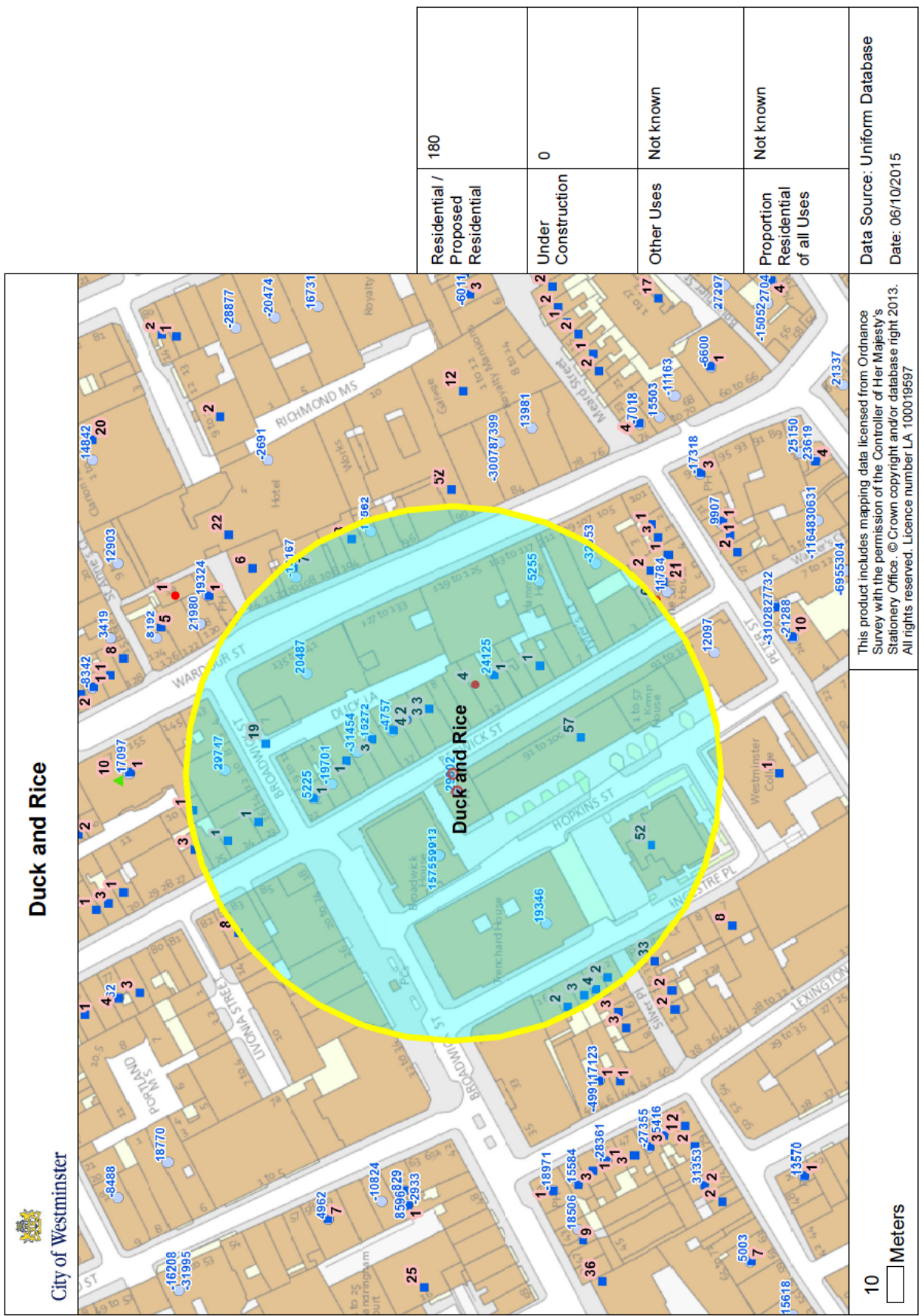
Alternative to condition 13

Conditions proposed by the Environmental Health

34. Licensable activities are permitted on the first floor only.

35. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

36. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.



Premises within 75 metres of Duck and Rice 90-91 Berwick Street			
p / n	Name of Premises	Premises Address	Opening Hours
-31454	Bar Du Marche	Ground Floor 19 Berwick Street London W1F 0PX	Monday to Friday 10:00 - 01:00 Saturday 11:00 - 01:00 Sunday 12:00 - 00:00
15755	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DE	Monday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
19346	Not Recorded	Trenchard House 19-25 Broadwick Street London W1F 0DF	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30
-19701	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Thursday to Saturday 07:00 - 00:00 Monday to Wednesday 07:00 - 23:30 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30
5225	Blue Posts Public House	22 Berwick Street London W1F 0QA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
29747	The Player	Basement 8 - 12 Broadwick Street London W1F 8HW	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
29802	Duck & Rice	90-91 Berwick Street London W1F 0QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
20487	Princi	Basement And Ground Floor 135 - 139 Wardour Street London W1F 0UT	Monday to Sunday 00:00 - 00:00
18562	Meza	Ground Floor 100 Wardour Street London W1F 0TN	Monday to Wednesday 09:00 - 02:30 Thursday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
-13167	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15272	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-4757	Flat White Limited	17 Berwick Street London W1F 0PT	Monday to Friday 08:00 - 22:00 Saturday to Sunday 09:00 - 22:00 Sundays before Bank Holidays 09:00 - 23:00
9913	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DE	Monday to Sunday 08:00 - 01:00
24125	Polpetto	11 Berwick Street London W1F 0PL	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
-32053	Banana Tree Restaurants Ltd	103 - 109 Wardour Street London W1F 0UN	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
5255	Amathus	Hammer House 113-117 Wardour Street London W1F 0UN	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	DPS Details	6 August 2015
5	Public Notice	6 August 2015
6	Residents notification	6 August 2015
7	Application form	6 August 2015
8	Responsible Authorities consultation	6 August 2015
9	Application acknowledged	6 August 2015
10	DPS consent	6 August 2015
11	Mark Teverson representation	7 August 2015
12	Berwick Street Community Group representation	7 August 2015
13	Newspaper Advert	18 August 2015
14	Police representation	18 August 2015
15	Environmental Health representation	26 August 2015
16	Hearing notification to interested parties	27 August 2015
17	Hearing notification to the applicant	27 August 2015
18	Soho Society representation	28 August 2015
19	Clair Malone representation	28 August 2015
20	Andrew Murray representation	28 August 2015
21	Hearing notification to Clair Malone	14 September 2015
22	Revised Plan	21 September 2015
23	Applicant proposed conditions	5 October 2015
24	Environmental Health conditions	6 October 2015
25	Hearing notification	8 October 2015



City of Westminster

Agenda Item 2 Licensing Sub-Committee Report

Item No:	
Date:	22 nd October 2015
Licensing Ref No:	15/05492/LIPV - Premises Licence Variation
Title of Report:	Top Dog Eats Basement And Ground Floor 48 Frith Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 July 2015 – Valid on 20 August 2015.		
Applicant:	Top Dog Eats Ltd		
Premises:	Top Dog Eats		
Premises address:	Basement And Ground Floor 48 Frith Street London W1D 4SF	Ward:	West End
		Stress Area:	West End
Premises description:	Top Dogs Eats is a restaurant which serves a variety of food and non-alcoholic and alcoholic drinks.		
Variation description:	The applicant seeks to extend the licence to include an area outside the front of the premises. This area is owned by the licence holders and is not part of the public highway. This has been confirmed via our mapping system.		
Premises licence history:	The outside area has previously been licenced but in a full variation received 20 th February 2015, the outside area was not defined on a submitted plan and was therefore removed from the licensable area.		
Applicant submissions:	Original Plans which show this area used to be licenced.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	N/A	N/A		
Tuesday	1000	2330	N/A	N/A		
Wednesday	1000	2330	N/A	N/A		
Thursday	1000	2330	N/A	N/A		
Friday	1000	0000	N/A	N/A		
Saturday	1000	0000	N/A	N/A		
Sunday	1200	2230	N/A	N/A		
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	Current:				Proposed:	
	(1) From the end of trade on New Year's Eve to the beginning of trade on New Year's Day					

	(2) On Sundays immediately prior to Bank Holidays from 12:00 to 24:00 hours.	
--	--	--

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	2300	2330	N/A	N/A		
Tuesday	2300	2330	N/A	N/A		
Wednesday	2300	2330	N/A	N/A		
Thursday	2300	2330	N/A	N/A		
Friday	2300	0000	N/A	N/A		
Saturday	2300	0000	N/A	N/A		
Sunday						
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holidays 23:00hrs – 00:00hrs. From the end of trade on New Year's Eve to the beginning of trade on New Year's Day					

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	N/A	N/A		
Tuesday	1000	2330	N/A	N/A		
Wednesday	1000	2330	N/A	N/A		
Thursday	1000	2330	N/A	N/A		
Friday	1000	0000	N/A	N/A		
Saturday	1000	0000	N/A	N/A		
Sunday	1200	2230	N/A	N/A		
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	Current:				Proposed:	
	(1) From the end of trade on New Year's Eve to the beginning of trade on New Year's Day					

	(2) On Sundays immediately prior to Bank Holidays from 12:00 to 00:00 hours.	
--	--	--

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	N/A	N/A		To include outside
Tuesday	1000	2330	N/A	N/A		
Wednesday	1000	2330	N/A	N/A		
Thursday	1000	2330	N/A	N/A		
Friday	1000	0000	N/A	N/A		
Saturday	1000	0000	N/A	N/A		
Sunday	1200	2230	N/A	N/A		
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	Current: Sunday before bank holidays 23:00hrs – 00:00hrs. From the end of trade on New Year's Eve to the beginning of trade on New Year's Day				Proposed:	

1-C Layout alteration
The applicant seeks to extend the licence to include a small area outside. This area is owned by the premises and is not the highway.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
None		
Adult entertainment:	Current position: n/a	Proposed position:

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Opeyemi Alabi
Received:	In time
<p>Variation of plan to include the private forecourt on the ground floor as part of area where licensable activities could be provided will have the likely effect of causing an increase in Public Nuisance in the West End Stress Area.</p>	
Responsible Authority:	Metropolitan Police
Representative:	Pc Bryan Lewis
Received:	In time
<p>The venue is situated in the West End Stress Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>Further to this, a recent visit by my colleague and myself, on behalf of the Police Licensing Team on the 18/07/2015, when the premises was trading, identified a number of breaches of the current licence. A S19 Closure notice was issued requiring full compliance with the licence conditions and licensable area.</p>	

2-B Other Persons			
Name:	Soho Society		
Address and/or Residents Association:	Residents Association		
Status:	Relevant	In support or opposed:	Opposed
Received:	In time		
<p>I write to make a relevant representation to the above application on behalf of The Soho Society. The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.</p> <p>About The Soho Society</p> <p>The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.</p>			

Application summary

Variation of plan so as to include the private forecourt on the ground floor licensable area.

Proposal incompatible with existing licensing conditions

The proposal is incompatible with existing licensing conditions intended to prevent problematic vertical drinking. Namely:

10. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

The bench seating outside the premises in the small forecourt area is not capable of providing a meal "served and consumed at the table", as there are no tables, and not enough room to provide them. The licensing objectives will not be met if this proposal were permitted.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy STR1
Policy HRS1
Policy RNT2

Policy HRS1 applies:

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other

	<p>relevant policies.</p> <p>Policy RNT2 applies: Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.</p> <p>Policy STR1 applies: (i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.</p>
--	--

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

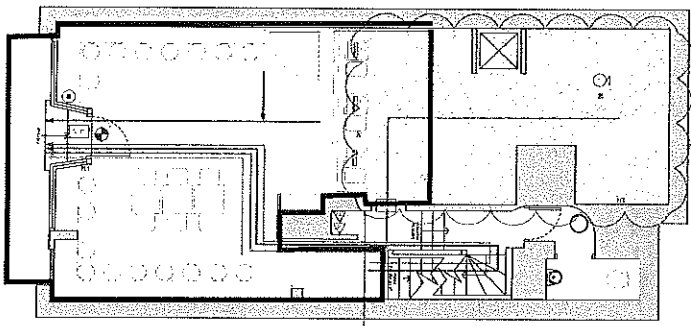
Report author:	Mr David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

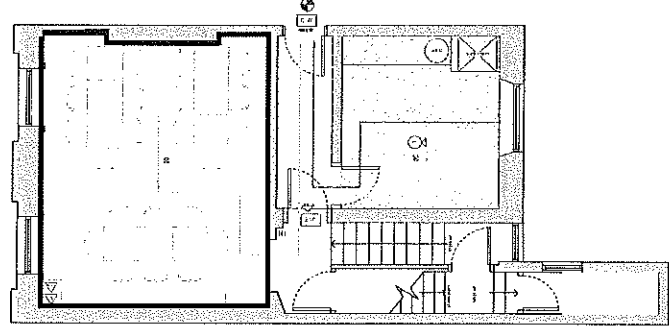
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Photos – outside of Top Dog Eats	September 2015
5	Environmental Health – Conditions- Emails	September 2015
6	Police – Conditions – Emails	September 2015
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

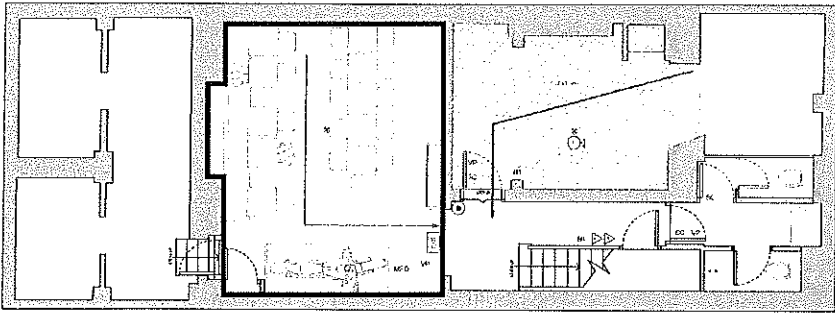
APPENDIX 1



1 GROUND FLOOR PROPOSED FIRE PLAN
(123) 150



2 FIRST FLOOR FIRE PLAN
(123) 150



3 BASEMENT PROPOSED FIRE PLAN
(123) 150

LEGEND

☒	WALL	→	STAIRS
⊕	FLOOR	→	STAIRS
⊖	CEILING	→	STAIRS
⊙	MECHANICAL EQUIPMENT	→	STAIRS
⊚	MECHANICAL EQUIPMENT	→	STAIRS
⊛	MECHANICAL EQUIPMENT	→	STAIRS
⊜	MECHANICAL EQUIPMENT	→	STAIRS
⊝	MECHANICAL EQUIPMENT	→	STAIRS
⊞	MECHANICAL EQUIPMENT	→	STAIRS
⊠	MECHANICAL EQUIPMENT	→	STAIRS
⊡	MECHANICAL EQUIPMENT	→	STAIRS
⊣	MECHANICAL EQUIPMENT	→	STAIRS
⊥	MECHANICAL EQUIPMENT	→	STAIRS
⊦	MECHANICAL EQUIPMENT	→	STAIRS
⊧	MECHANICAL EQUIPMENT	→	STAIRS
⊨	MECHANICAL EQUIPMENT	→	STAIRS
⊩	MECHANICAL EQUIPMENT	→	STAIRS
⊪	MECHANICAL EQUIPMENT	→	STAIRS
⊫	MECHANICAL EQUIPMENT	→	STAIRS
⊬	MECHANICAL EQUIPMENT	→	STAIRS
⊭	MECHANICAL EQUIPMENT	→	STAIRS
⊮	MECHANICAL EQUIPMENT	→	STAIRS
⊯	MECHANICAL EQUIPMENT	→	STAIRS
⊰	MECHANICAL EQUIPMENT	→	STAIRS
⊱	MECHANICAL EQUIPMENT	→	STAIRS
⊲	MECHANICAL EQUIPMENT	→	STAIRS
⊳	MECHANICAL EQUIPMENT	→	STAIRS
⊴	MECHANICAL EQUIPMENT	→	STAIRS
⊵	MECHANICAL EQUIPMENT	→	STAIRS
⊶	MECHANICAL EQUIPMENT	→	STAIRS
⊷	MECHANICAL EQUIPMENT	→	STAIRS
⊸	MECHANICAL EQUIPMENT	→	STAIRS
⊹	MECHANICAL EQUIPMENT	→	STAIRS
⊺	MECHANICAL EQUIPMENT	→	STAIRS
⊻	MECHANICAL EQUIPMENT	→	STAIRS
⊼	MECHANICAL EQUIPMENT	→	STAIRS
⊽	MECHANICAL EQUIPMENT	→	STAIRS
⊾	MECHANICAL EQUIPMENT	→	STAIRS
⊿	MECHANICAL EQUIPMENT	→	STAIRS

Licensable Activities

INDICATE LAYOUT ONLY. CONTRACTOR TO ADVISE.

PLEASE NOTE: GRADE II LISTED BUILDING

Date	By	Rev.

TOP DOG

PROPOSED FIRE PLAN

15/10/11 02/10/11 11/10/11

APPENDIX 2



107 Charterhouse Street
London EC1M 6HW
United Kingdom
DX: 138788 Clerkenwell
www.cn solicitors.com

Tel: +44 (0)20 7253 7781
Main Fax: +44 (0)20 7253 7785
Commercial Fax: +44 (0)20 7253 3193
Litigation Services Fax: +44 (0)20 7253 0564

Our ref: JKC/ACL/CML1-01141

Licensing Service
Westminster City Hall
4th Floor
64 Victoria Street
London SW1E 6QP

16 May 2014

Dear Sir,

Re: New Licence Application: Siam Thai Restaurant 48 Frith Street London W1D 4SF

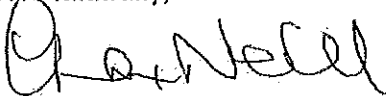
We enclose on behalf of our client, Tipanda Limited, an application for a New Premises Licence in respect of the existing restaurant at the above premises which has operated as such for many years. The new Licence is to replace the previous Licence (Licence No. 0/6327/WCCMAP) which unfortunately was inadvertently surrendered by the previous Licence holder. The Application is not intended to be controversial in any way and is designed to allow the premises to continue to operate as a licensed restaurant providing licensable activities within the specified "core" hours and subject to the mandatory and the appropriate model conditions as stated in the Application. Furthermore, the Application has been prepared after consultation with the Police who have indicated that they are happy with the Application and have no objections to the New Licence being granted.

As we are submitting the Application electronically, we understand that you will be sending copies of the Application to the responsible authorities and we must therefore leave this with you. This is why on the application form, we have indicated that we have not ourselves served copies of the Application on these Authorities.

You may treat this letter as part of the Application and make it available or provide copies to any interested party who asks for details and/or a copy of the Application.

Thank you for your assistance in the matter.

Yours faithfully,


CHAN NEILL SOLICITORS

Site Location Plan

1-1250

50m

100m

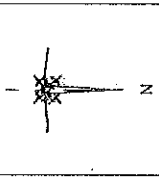


0845 519 0640
 www.justplans.net
 direct line 1 0744 282 231
 direct line 2 01273 311 220
 e: info@justplans.com
 187 Station Way, Hemsworth,
 Wakefield, Wetherby, WID 0TD

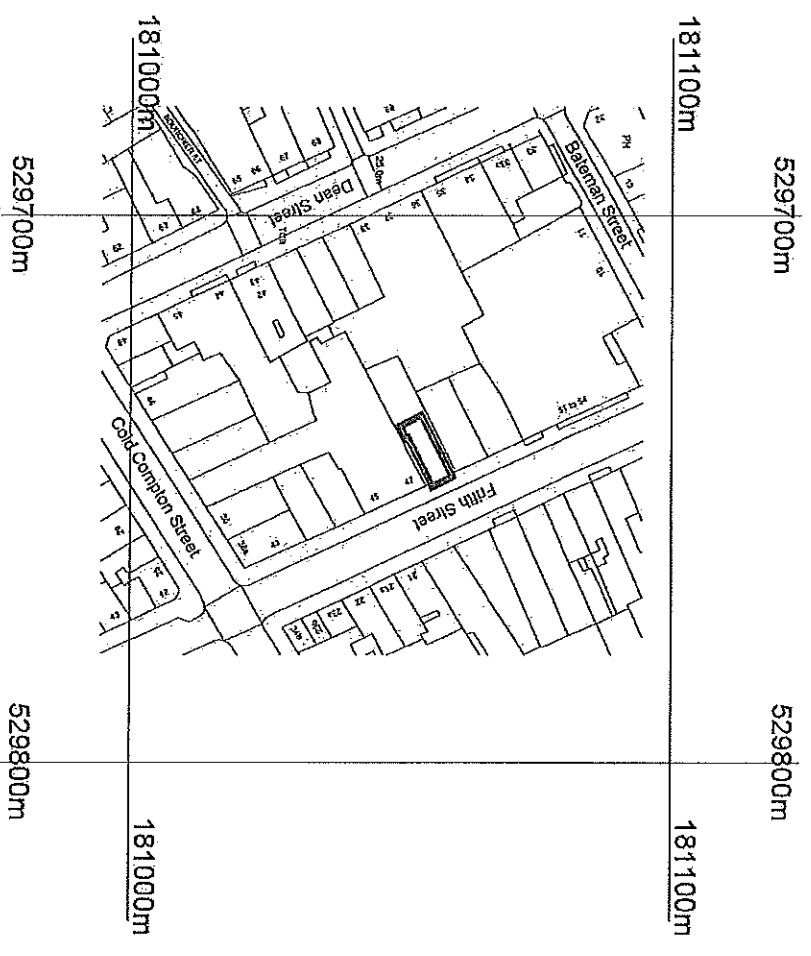
Terms & Service relating to
 Just Plans and its data:

This product, regardless of any
 structures, features or
 assemblies or parts of itself
 described within any plan, we
 produce should be checked by
 the owner or his grantor of the
 rights of their authorised
 agents. The accuracy of any
 lines drawn within any plan
 provided by JustPlans, including
 boundary lines pertaining to any
 physical structure, private land,
 publicly maintained land and
 rights of way, is strictly subject
 to the scale and street provision
 of any information by the client
 or their representative in
 the event of error, at the
 client's risk. JustPlans accepts no liability for
 loss arising as a result of any
 inaccuracy or incorrect
 description or the positioning of
 physical structures or features of
 any such boundaries,
 assemblies or rights of way.

@Siam Restaurant
 49 Frith Street
 London
 W1D 4SF



Scale 1-1250
 Paper Size: A4



Basement Floor Plan

1:100

5m

10m



0845 519 0640
 www.justplans.net
 Street View 1: 01444 230 201
 Street View 2: 01273 317 220
 e: info@justplans.net
 107 Victoria Way, Birmingham,
 West Midlands, B36 9TD

Terms of Service relating to Just Plans and its clients:

The provision, production of any
 structures, boundaries
 identified within any plan we
 produce should be checked by
 the owner or the grantor of the
 rights or their authorized
 agents. The accuracy of any
 lines drawn within any plan
 provided by JustPlans, including
 boundary lines pertaining to any
 physical structure, private land,
 parking, as well as any subject
 to the law of the land, is not
 to be taken as a guarantee of
 their existence or position, in
 the event of no such provision,
 JustPlans accepts no liability for
 any resulting as a result of any
 inaccurate or incorrect
 description of the positioning of
 physical structures or nature of
 any such boundaries,
 agreements or rights of way.

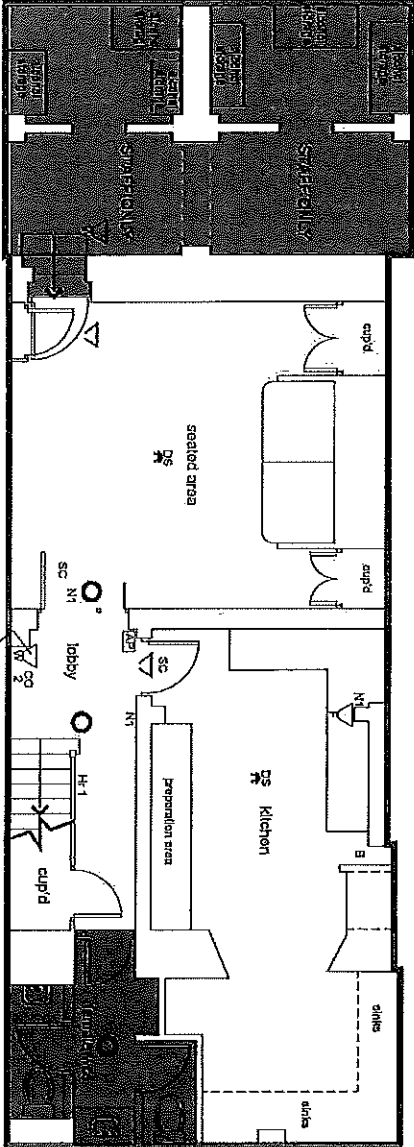
@Siam Restaurant
 48 Fifth Street
 London
 W1D 4SF



Date: 16th May 2014

Scale 1:100

Paper Size: A4



Key

- = emergency lighting point
- = general fire notice
- = self-closing door
- = 30min fire door
- = fire alarm actuating point
- = fire alarm sounder
- = handrail
- = smoke detector with sounder
- = CO2 extinguisher
- = water extinguisher
- = foam extinguisher
- = premises boundary (area within which all licensable activities and consumption of alcohol will take place)
- = area used for the storage of alcohol and bar services
- = kitchen and staff areas
- = toilet area



First Floor Plan



0845 519 0640
www.justplans.net
direct line: 01444 220 521
direct line: 01203 011 222
or 01203 011 222
or 01203 011 222
107 Willow Way, Halesowen,
Walsley, West Midlands, B62 7ND

Terms of Sale/Use relating to
Just Plans and its clients:

The precise positioning of any
structures, boundaries,
seasons or rights of way
established within any plan we
produce should be checked by
the owner or the grantor of the
right or their authorized
agents. The accuracy of any
lines drawn within any plan,
provided by JustPlans, including
boundary lines pertaining to any
physical structure, ground and
plant, may not be exact and
JustPlans does not warrant
to the owner and third parties
of such information, by the client
or their solicitors or agents. In
the event of any error, or in the
event of no such provision,
JustPlans accepts no liability for
loss arising as a result of any
inaccuracy or incorrect
description of the positioning of
physical structures or notices of
any such boundaries,
seasons or rights of way.

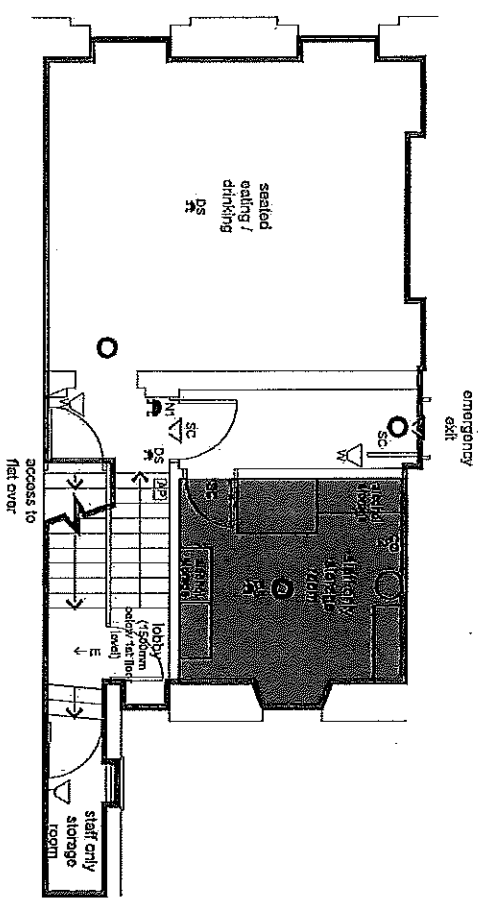
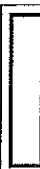
@Stam Restaurant
48 Fifth Street
London
WMD 4SF



Date: 16th May 2014

Scale 1:100

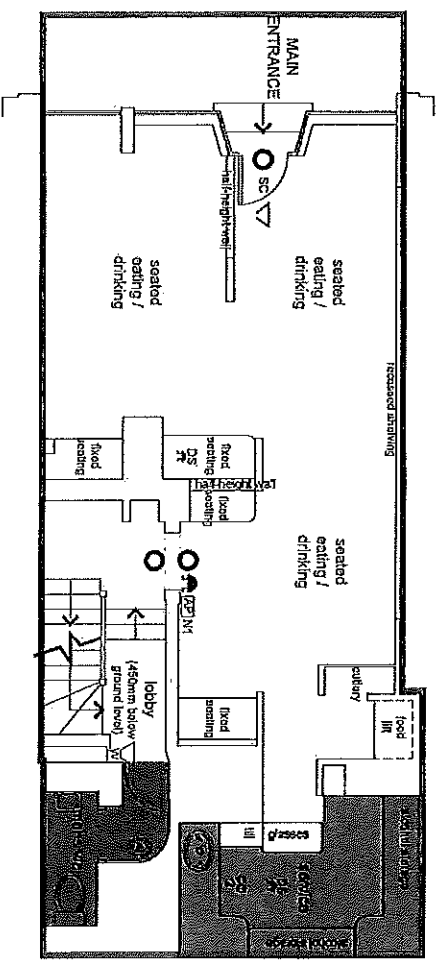
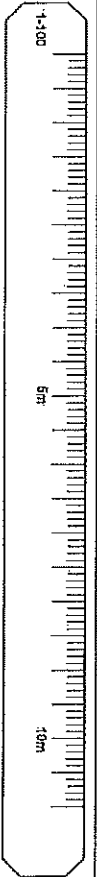
Paper Size: A4



Key

- = emergency lighting point
- = general fire notice
- = self-closing door
- = 30min fire door
- = fire alarm actuating point
- = fire alarm sounder
- = handrail
- = smoke detector with sounder
- = water extinguisher
- = foam extinguisher
- = CO2 extinguisher
- = premises boundary (area within which all licensable activities and consumption of alcohol will take place)
- = area used for the storage of alcohol and bar services
- = kitchen and staff area
- = toilet areas

Ground Floor Plan



Key

- = emergency lighting point
- = general fire notice
- = self closing door
- = 30min fire door
- = fire alarm actuating point
- = fire alarm sounder
- = handrail
- = smoke detector with sounder
- = water extinguisher
- = team extinguisher
- = CO2 extinguisher
- = premises boundary (area within which all licensable activities and consumption of alcohol will take place)
- = area used for the storage of alcohol and bar serveries
- = kitchen and staff area
- = toilet area



0845 519 0640
www.justplans.net
 email: info@justplans.net
 direct line: 01223 311 220
 fax: 01223 311 221
 187 Millway, Haverhill,
 Cambridgeshire, CB9 5TD

Terms of Service relating to Just Plans and its clients:

The precise positioning of any structures, boundaries, easements or rights of way described within any plan we produce should be checked by the owner or the grantor of the rights or their authorized agents. The accuracy of any lines drawn within any plan provided by JustPlans, including boundaries lines pertaining to any physical structures, where land, rights of easement, rights of way or other such matters are to be determined by the client or their solicitors or agents. In the event of error, or in the event of no such provision, JustPlans accepts no liability for loss arising as a result of any inaccuracies or incorrect descriptions of the positioning of physical structures or position of easements or rights of way.

@Slam Restaurant
 48 Frith Street
 London
 W1D 4SF



Date: 15th May 2014.

Scale 1:100

Paper Size: A4



These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from Land Registry.

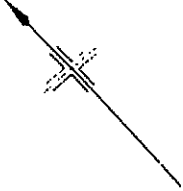
This official copy is issued on 12 September 2014 shows the state of this title plan on 12 September 2014 at 14:14:50. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide *19 - Title Plans and Boundaries*.

This title is dealt with by the Land Registry, Croydon Office .

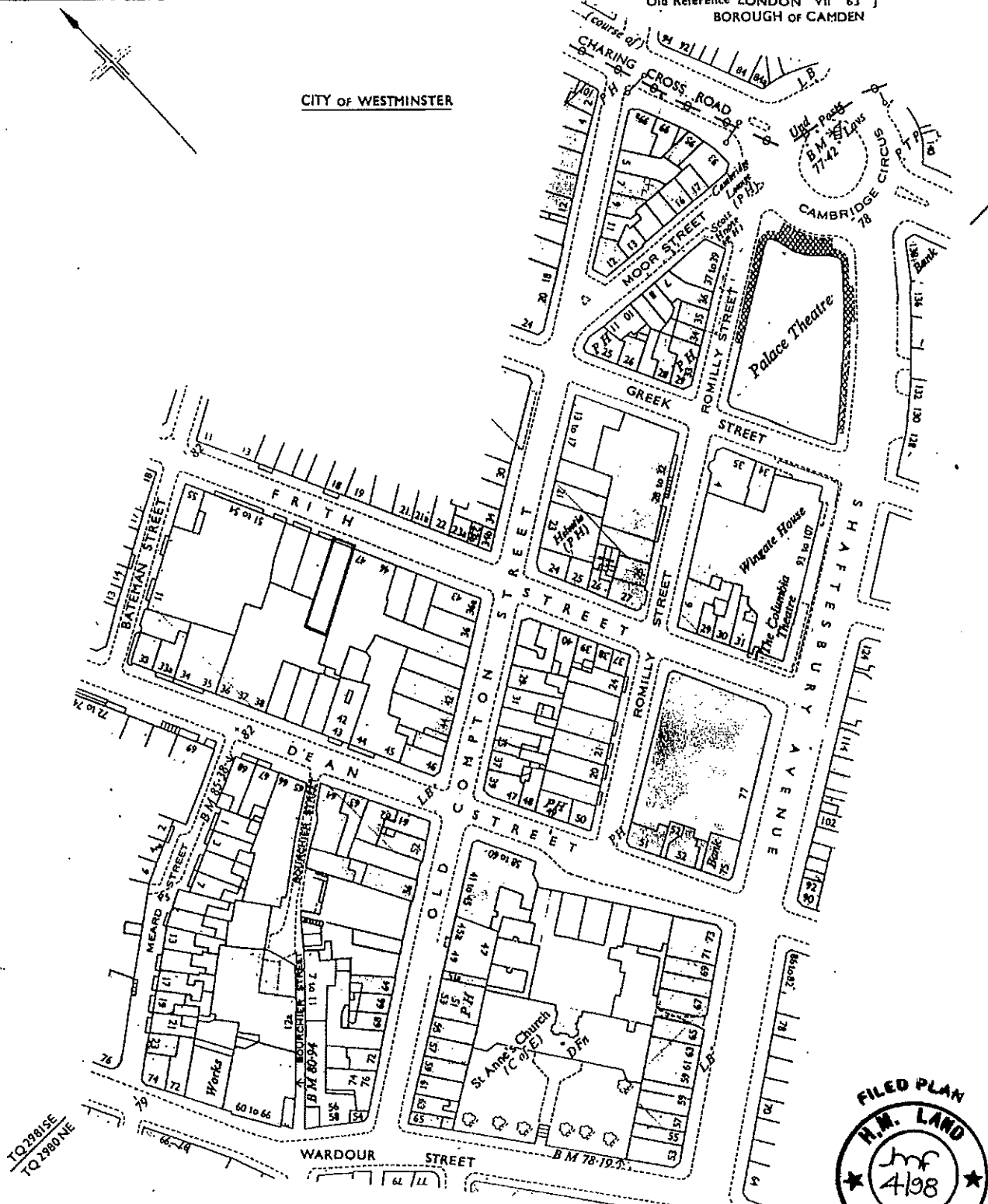
© Crown copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.

H.M. LAND REGISTRY		TITLE NUMBER		
		NGL 75 76 43		
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID	SECTION
	GREATER LONDON		TQ 2980	G
Scale: 1/1250		L © Crown Copyright 1992		

Old Reference LONDON VII 63]
BOROUGH OF CAMDEN



CITY OF WESTMINSTER



TQ2980 SE
TQ2980 NE



APPENDIX 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Premises 14/03927/LIPN	Playing of recorded music Late night refreshment Sale by retail of Alcohol	10.07.2014	Granted under delegated authority
Transfer 15/01149/LIPT	To - Top Dog Eats Limited	29.04.2015	GDA
Variation 15/01288/LIPV	Plan changes and to remove condition 10.	07.04.2015	GDA
Variation 15/01790/LIPV	To amend new condition 10.	14.05.2015	Granted in Part by LSC.
Vary DPS 15/03985/LIPDPS	Change DPS	10.07.2015	GDA

There is no appeal history

Proposed EH conditions (not agreed)

1. The maximum number of tables and chairs permitted outside the premises shall not exceed 2 tables and 4 chairs.
2. All tables and chairs shall be removed from the outside area by 22.00 hours each day.
3. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Proposed Police conditions (not agreed)

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All external licensable areas will be covered. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
4. All tables and chairs shall be removed from the outside area by 22.00 hours each day.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

10. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition (a) customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal and (b) alcohol may be supplied to and/or consumed prior to their meal by customers in the basement up to a maximum, at any one time, of 16 persons dining at the premises

11. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed

- o Basement 18 persons
- o Ground Floor 42 persons
- o First Floor 30 persons

12. After 22:00 hours the entrance door shall be kept closed except for immediate access and egress of persons or at anytime that regulated entertainment is provided.

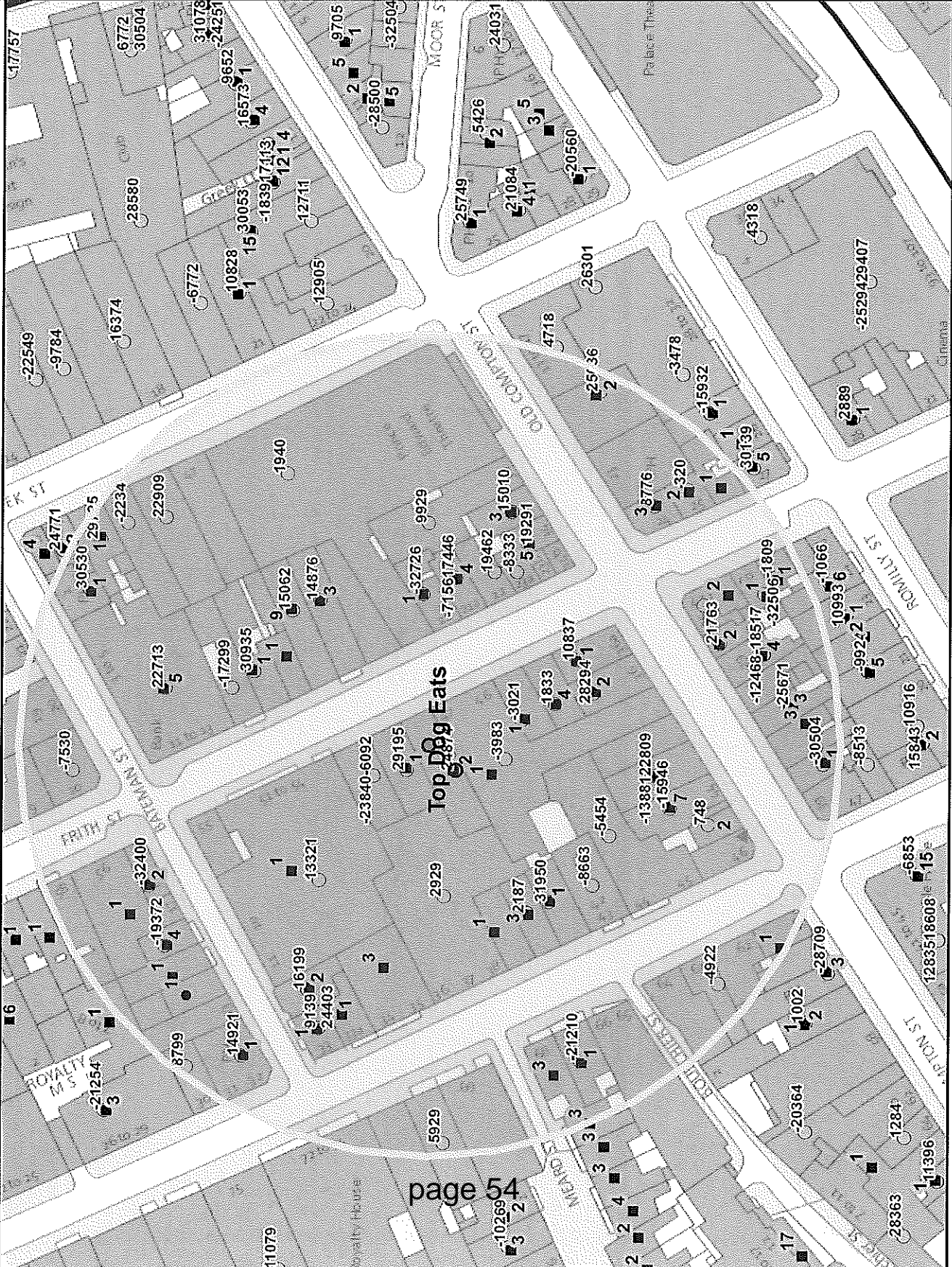
13. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

14. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
15. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
16. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours.
18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
19. There shall be no striptease or nudity, and all persons shall be the authority of a Sexual Entertainment Venue licence.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the Premises where alcohol is sold or supplied for consumption on the Premises.
21. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by the Police or an authorised officer of the City Council at all times whilst the Premises are open.
22. Children under the age of 14 will not be permitted to remain in the premises after 21:00 hours
23. No noise shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a public nuisance:
24. Loudspeakers shall not be located in the entrance lobby or outside the building of which the Premises form part.
25. Hours for licensable activities and opening may be extended from the end of trade on New Year's Eve to the beginning of trade on New Year's Day.
26. The variation of the Premises Licence 14/03927/LIPN to include the following works:
 - ground floor: minor changes to back -of-house areas
 - installation of counter/till area

will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



Top Dog Eats, 48 Frith Street, London W1D 4SF



This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100010507

Data Source: Uniform Database
Date: 29/04/2015

APPENDIX 5

Residential / Proposed Residential	110
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

Premises within 75 metres of: Top Dog Eats, 48 Frith Street, London W1D

p / n	Name of Premises	Premises Address	Opening Hours
748	Compton News	48 Old Compton Street London W1D 4UA	Monday to Saturday 07:00 - 01:00 Sunday 08:00 - 22:00
9929	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4TP	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30
14876	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00
16199	Gopal's Of Soho	Basement And Ground Floor 12 Baleman Street London W1D 4AH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19291	Baian's Cafe	34 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
19462	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
22713	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30
22809	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4TX	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
22909	L'Escargot	48 Greek Street London W1D 4EF	Monday to Sunday 10:00 - 01:00
24874	Siam Thai Restaurant	Basement And Ground Floor 48 Frith Street London W1D 4SF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
28294	Murie's Kitchen	36 Old Compton Street London W1D 4TT	Monday to Sunday 07:00 - 01:30
30530	Carlisle Arms Public House	2 Baleman Street London W1D 4AE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-15946	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-12468	Amalfi Restaurant	29-31 Old Compton Street London W1D 5JR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-7530	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-5454	The Groucho Club	44-45 Dean Street London W1D 4QB	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 00:00
-3993	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4SE	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
-3517	Hotel Chocolat	25 Old Compton Street London W1D 5JN	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30
1833	The Delhi Brasserie	44 Frith Street London W1D 4SB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2187	40 Dean Street	40 Dean Street London W1D 4PX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5929	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Monday to Sunday 00:00 - 00:00
14921	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Friday to Saturday 07:00 - 00:00 Monday to Thursday 07:00 - 22:50 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
15062	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
21763	Opuz Kitchen	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00
24403	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30

25636	Soho Kitchen And Bar	19-21 Old Compton Street London W1D 5JJ	Monday to Sunday 00:00 - 00:00
29195	Koya	49 Frith Street London W1D 4SG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
29725	Union Club	50 Greek Street London W1D 4EQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
30935	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31950	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-32726	Little Italy	21 Frith Street London W1D 4RN	Monday to Sunday 09:00 - 05:00
-32505	Dozo	Basement And Ground Floor 40 Frith Street London W1D 5LN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
-32400	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-30504	Puicarella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-25671	Herman Ze German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30
-23840	The Arts Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
-21210	Black's	Basement To First Floor 67 Dean Street London W1D 4QH	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-19372	Pix	Ground Floor 16 Bateman Street London W1D 3AH	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30 New Year's Eve XXXX - XXXX
-18517	Amalfi Restaurant	29-31 Old Compton Street London W1D 5JR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-17299	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
-13881	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00 Monday to Thursday 10:00 - 23:00
-8663	Cay Tre (Soho)	42-43 Dean Street London W1D 4QA	Monday to Sunday 09:30 - 01:30
-8333	Labels	Basement 23 Frith Street London W1D 4RR	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 04:00
-7156	Little Italy	21A Frith Street London W1D 4RW	Monday to Sunday 09:00 - 05:30
-6092	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-4922	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3021	Buffo	45 Frith Street London W1D 4SD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-2234	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
-1809	Buen Gusto Cafe	39 Frith Street London W1D 5LL	Monday to Sunday 06:00 - 03:00
-320	Ku Bar	Basement To First Floor 25 Frith Street London W1D 5LB	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
1940	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Monday to Sunday 09:00 - 01:00
2929	Burger Lobster	36 - 38 Dean Street London W1D 3TE	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00

8776	Dodo Supermarket	Basement And Ground Floor 24 Frith Street London W1D 5LA	Monday to Thursday 08:00 - 01:00 Friday to Saturday 08:00 - 03:00 Sunday 10:00 - 22:30
8799	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30
9139	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
10637	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Sunday to Wednesday 23:00 - 02:00 Thursday to Saturday 23:00 - 04:00
13321	Barralina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
15010	Dozo	Basement To First Floor 32 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
17446	Little Italy Two	Ground Floor 21A Frith Street London W1D 4RF	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00







Top Dogs Eat Highway

— Highways Extent



City of Westminster



0 4.5 9 18 Metres

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office.
© Crown copyright and/or database right 2013.
All rights reserved. Licence number LA 100019597

Data Source:
Date: 15/10/2015



This page is intentionally left blank



City of Westminster

Agenda Item 3 Licensing Sub-Committee Report

Item No:	
Date:	22 October 2015
Licensing Ref No:	15/06429/LIPV - Premises Licence Variation
Title of Report:	Ruby Blue Ground Floor Queens House 1 Leicester Place
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	3 August 2015		
Applicant:	A3D2 Limited		
Premises:	Ruby Blue		
Premises address:	Ground Floor	Ward:	St James's
	Queens House 1 Leicester Place London	Stress Area:	West End
Premises description:			
Variation description:	<p>To seek approval of proposed alterations which comprise of the following:</p> <p>First floor</p> <ol style="list-style-type: none"> 1. Remove front desk and improve cloakroom and storage. 2. Widen steps adjacent to booth seating areas. 3. Remove small bar and upgrade of fixed and loose seating. <p>Second Floor</p> <ol style="list-style-type: none"> 1. Removal of private dining area and flanking walls. 2. Removal of existing bar to be replaced with new servery adjacent to restaurant. 3. Relocation of small bar servery. 4. Install new credenza bar in small room. 5. New link corridor to toilet facilities. 6. Upgrade of fixed and loose seating. <p>To remove condition 20 of Annex 2 of the premises licence which reads: In the area hatched black and marked Restaurant on the deposited plan, intoxicating liquor shall not be sold or supplied in that area otherwise than to persons taking table meals and for consumption by such a person as an ancillary to his meal.</p> <p>To remove condition 33 of Annex 2 of the premises licence which reads : Only non glass bottles or plastic glasses shall be allowed on the balcony at any time.</p> <p>To remove condition 37 of Annex 2 of the premises licence which reads: The balcony shall not be used until it has been assessed as satisfactory by the Environmental Health Consultation Team and the LFEPA.</p> <p>To amend condition 40 of Annex 2 which reads: Champagne or sprit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles</p>		

	<i>to read: Sprit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles.</i>
Premises licence history:	This premises is currently licensed under the Licensing Act 2003; reference 13/0770/LIPDPS. Please refer to Appendix 2 for a full licence history.
Applicant submissions:	None.

1-B There are no changes to the existing licensable activities. Please refer to Appendix 4 for a copy of their existing premises licence.

1-C Layout alteration
<p>First floor</p> <ol style="list-style-type: none"> 1. Remove front desk and improve cloakroom and storage. 2. Widen steps adjacent to booth seating areas. 3. Remove small bar and upgrade of fixed and loose seating. <p>Second Floor</p> <ol style="list-style-type: none"> 1. Removal of private dining area and flanking walls. 2. Removal of existing bar to be replaced with new servery adjacent to restaurant. 3. Relocation of small bar servery. 4. Install new credenza bar in small room. 5. New link corridor to toilet facilities. 6. Upgrade of fixed and loose seating. <p>Please refer to Appendix 1 for the proposed plans.</p>

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p>To remove condition 20:</p> <p>In the area hatched black and marked Restaurant on the deposited plan, intoxicating liquor shall not be sold or supplied in that area otherwise than to persons taking table meals and for consumption by such a person as an ancillary to his meal.</p>	<p>No variation proposed</p> <p>In the area hatched black and marked Restaurant on the deposited plan, intoxicating liquor shall not be sold or supplied in that area otherwise than to persons taking table meals and for consumption by such a person as an ancillary to his meal except for when the area is pre-booked as a private function on no more than 15 times a year with prior notice to be given to the Responsible Authorities.</p>
<p>To remove condition 33:</p> <p>Only non glass bottles or plastic glasses shall be allowed on the balcony at any time.</p>	<p>THIS REQUEST HAS NOW BEEN WITHDRAWN FOLLOWING CONVERSATION WITH THE POLICE</p>

To remove condition 37:		No variation proposed	
The balcony shall not be used until it has been assessed as satisfactory by the Environmental Health Consultation Team and the LFEPA.		THE EH OFFICER WILL INSPECT THE PREMISES UPON DETERMINATION OF THIS APPLICATION	
To vary condition 40:		To read:	
Champagne or sprit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles		Sprit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles.	
Adult entertainment:	Current position:	Proposed position:	
	N/A	N/A	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Sally Thomas
Received:	25 th August 2015
<p>I refer to the application for variation of a Premises Licence (13/07706/LIPDPS), issued under the Licensing Act 2003.</p> <p>The premises are situated in the West End Stress Area as stated in City of Westminster's Statement of Licensing Policy.</p> <p>Layout plans have been submitted, showing the existing and proposed layout of the first and second floors, drawing number 5121-15.100 rev A dated June 2015.</p> <p>This representation is based on the Operating Schedule and plan submitted.</p> <p>The applicant is seeking the following in the first and second floors:</p> <ol style="list-style-type: none"> To alter the layout in accordance with the plan submitted. These works include the following: <ul style="list-style-type: none"> First floor <ol style="list-style-type: none"> Remove front desk and improve cloakroom and storage. Widen steps adjacent to booth seating areas. Remove small bar and upgrade of fixed and loose seating. Second Floor <ol style="list-style-type: none"> Removal of private dining area and flanking walls. Removal of existing bar to be replaced with new servery adjacent to restaurant. Relocation of small bar servery. Install new credenza bar in small room. New link corridor to toilet facilities. 	

6. Upgrade of fixed loose seating.

2. To remove condition 20: *'In the area hatched black marked Restaurant on the deposited plan, intoxicating liquor shall not be sold or supplied in that area otherwise than to persons taking table meals and for consumption by such a person as ancillary to the his meal.'*
3. To remove condition 33: *'Only non glass bottles or plastic glasses shall be allowed on the balcony at any time.'*
4. To remove condition 37: *'The balcony shall not be used until it has been assessed as satisfactory by the Environmental Health Consultation Team and the LFEPA.'*
5. To amend condition 40 from *'Champagne or spirit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles'* to *'Spirit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottle promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles.'*

I wish to make the following representations in relation to the above application:

1. The change of layout of the first and second floor may impact on Public Safety and may have an increase in Public Nuisance in the stress area.
2. The removal condition 20 may have an increase in Public Nuisance in the stress area.
3. The removal of condition 33 may have an increase in Public Nuisance in the stress area and may impact on Public Safety.
4. The removal of condition 37 may impact on Public Safety.
5. The amendment of condition 40 may have an increase in Public Nuisance in the stress area and may impact on Public Safety.

The applicant has not provided any additional information or further conditions.

The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the stress area and may impact on Public Safety.

Should you wish to discuss the matter further please do not hesitate to contact me.

Sally Thomas

Responsible Authority:	Metropolitan Police
Representative:	PC Chris Marriott
Received:	13 th August 2015

Dear Sir/Madam,

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority have representations to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End stress area where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

Police would like to arrange a site visit in order for the application to be discussed and the licensing objectives demonstrated. Could this please be facilitated?
Should you wish to discuss the matter further please contact me on **0207 641 3179** or via email cmarriott2@westminster.gov.uk

Yours sincerely
Chris Marriott.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy STR1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.</p> <p>Policy MD2 applies: It is the Licensing Authority's policy to refuse applications in the Stress Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.</p>
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy MD2 applies:	It is the Licensing Authority's policy to refuse applications in the Stress Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

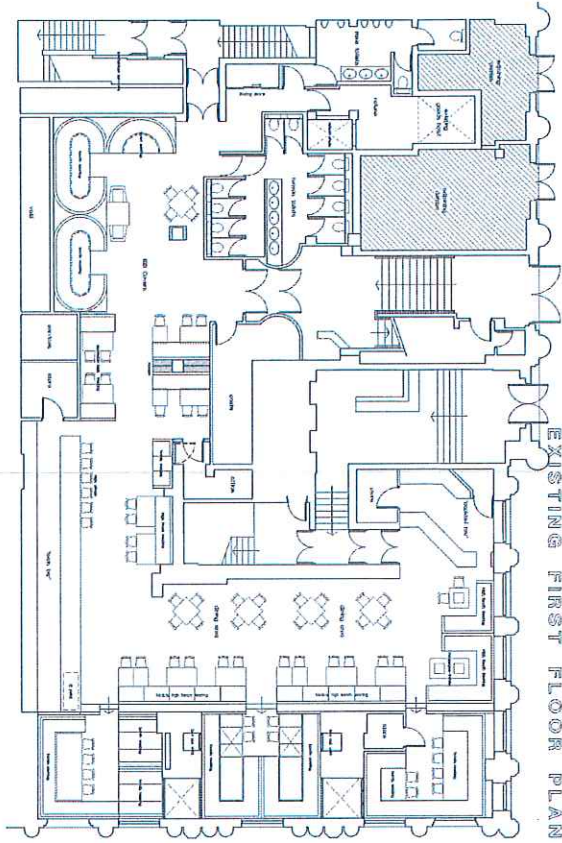
4. Appendices

Appendix 1	Proposed Premises plans
Appendix 2	Premises history and existing licence
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	Premises photos

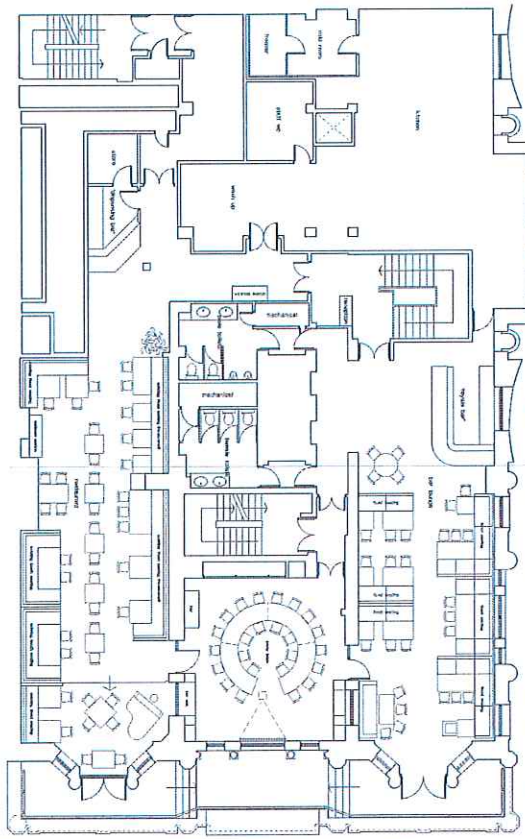
Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

APPENDIX 1

EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN

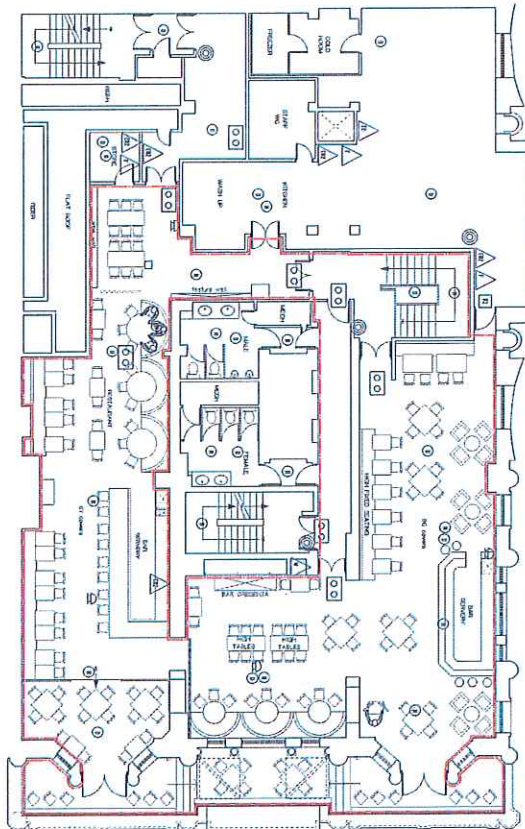


FIRE EXIT SYMBOLS

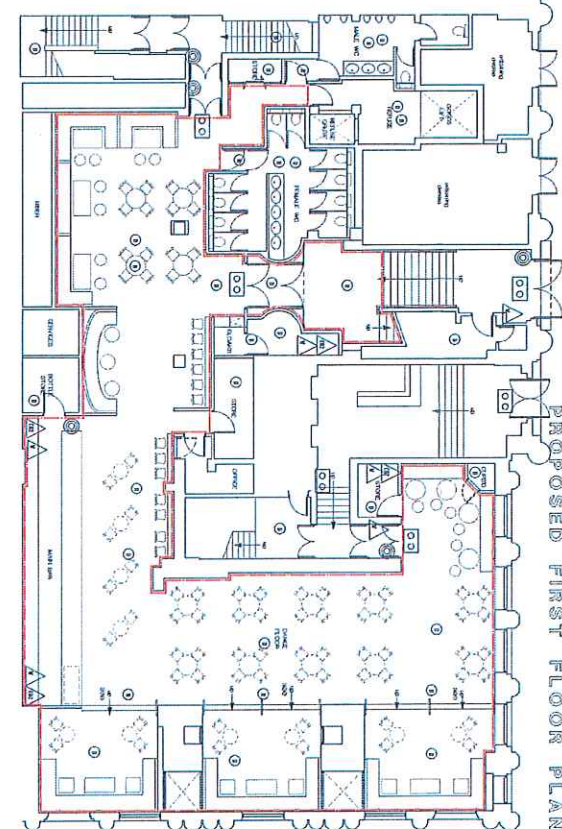
	Fire Exit
	Fire Exit with Door
	Fire Exit with Door and Alarm
	Fire Exit with Door, Alarm, and Fire Alarm
	Fire Exit with Door, Alarm, Fire Alarm, and Zone
	Fire Exit with Door, Alarm, Fire Alarm, Zone, and Door

The symbols are used to indicate the location and details of fire exits. The symbols are used to indicate the location and details of fire exits. The symbols are used to indicate the location and details of fire exits.

PROPOSED SECOND FLOOR PLAN

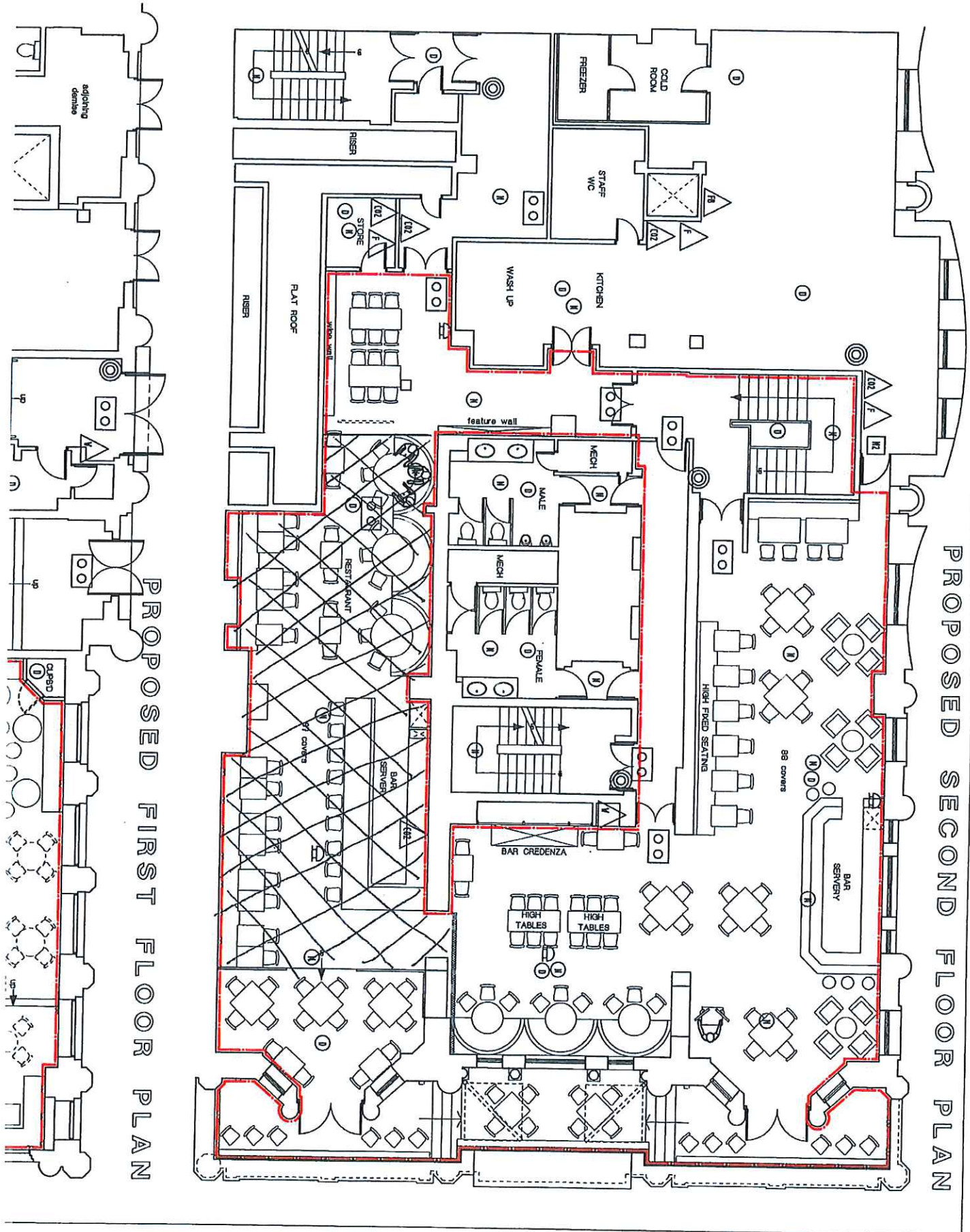


PROPOSED FIRST FLOOR PLAN



RVC DESCRIPTION:		DATE:	PROJECT:	RUBY BLUE	INFORMATION:
REVISIONS TO SECOND FLOOR TO ACCORDANCE WITH RVC DRAWING REV 1			TITLE:	EXISTING AND PROPOSED FF & SF LAYOUT LICENSING	OWNER:
			CLIENT:	NOVUS LEISURE	ARCHITECT:
			DATE:	JUNE '18	SCALE:
			DRAWING NO.:	5121-15-100	DATE:
			REVISION:	A	BY:
					TO:
					CONSTRUCTION:
WWW.DAKOTAHOUSEDESIGN.COM			1 DUNDAS PLACE SANDYFORD NEWCASTLE UPON TYNE NE2 1DD UNITED KINGDOM		T: +44 (0) 191 261 0261

B O L S
ire Erlingerstr
: Erlingerstr
Erlingerstr
isher
isher
uht
ign
irred
3
techna senkshat
e
Use
ETY AND
IS AT PRESENT.
RE AGREEMENT
& ASSESSMENT



Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion Variation 05/02173/LIPCV	Application to convert and vary the Justices Licence and PEL	12.05.2005	Granted by Licensing Sub-Committee
Variation 06/01505/LIPV	Application to vary the plans to incorporate the external balcony on second floor into the licence	15.06.2006	Granted by Licensing Sub-Committee
Variation 08/04159/LIPV	Application to vary the layout	22.07.2008	Granted under delegated authority
Variation 10/08006/LIPV	Application to vary the layout	16.11.2010	Granted under delegated authority
Minor Variation 13/03901/LIPVM	Application to revert back to plans from 2008	18.06.2013	Granted under delegated authority
Minor Variation 13/05208/LIPVM	Application to add two CCTV conditions and the current condition 40 on the licence (which is being varied in the current variation application)	30.07.2013	Granted under delegated authority
DPS Variation 13/07700/LIPDPS	Application to vary the designated premises supervisor	19.11.2013	Granted under delegated authority
DPS Variation 15/05051/LIPDPS	Application to vary the designated premises supervisor	25.09.2015	Granted under delegated authority Note: this licence has not yet been issued. The licence will be issued following determination of the current variation.
Variation 15/06429/LIPV	Current Application	Pending	

There is no appeal history



Schedule 12
Part A

WARD: St James's
UPRN: 010033554457

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:	13/07700/LIPDPS
Original Reference:	05/02173/LIPCV

Part 1 – Premises details

Postal address of premises:
Ruby Blue Ground Floor Queens House 1 Leicester Place London WC2H 7BP
Telephone Number: 020 7287 8050

Where the licence is time limited, the dates:
Not applicable

Licensable activities authorised by the licence:
Performance of Dance Provision of facilities for Dancing Provision of facilities for making Music Performance of Live Music Playing of Recorded Music Provision of facilities for entertainment of a similar description to making music or dancing Anything of a similar description to Live Music, Recorded Music or Performance of Dance Late Night Refreshment Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:	
Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings:	See conditions 45 and 46
Provision of facilities for Dancing	
Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 23:00
Non-standard Timings:	See conditions 45 and 46

Provision of facilities for making Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Playing of Recorded Music

Unrestricted

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Late Night Refreshment

Monday to Saturday: 23:00 to 03:00
Non-standard Timings: See conditions 45 and 46

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30
Non-standard Timings: See conditions 45 and 46

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 & 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

A3D2 Limited
Clareville House
26-27 Oxendon Street
London
SW1Y 4EL
Business Phone Number : 0207 968 2400

Registered number of holder, for example company number, charity number (where applicable)

3506401

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr John Short

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: HDC504
Licensing Authority: Hambleton District Council

Date: _____ 19th November 2013 _____



Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- 4.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Regulated Entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. An attendant (receptionist) shall be on duty within the vicinity of the cloakroom whilst it is in use.

14. Refuse shall continue to be placed towards the lower end of the street away from the Notre Dame de France Church.
15. The use granted under this licence shall remain ancillary to the main use of the premises as a restaurant and bar.
16. Neither of the internal lobby doors to the ground floor (mezzanine) shall be fixed open after 23:00.
17. No windows shall be fixed open after 23:00.
18. All speakers within the lobby shall be shut off after 23:00.
19. The number of persons accommodated (excluding staff) at the premise shall not exceed: Ground Floor (Mezzanine) - 385, First Floor - 285.

Conditions related to the sale of alcohol

20. In the area hatched black and marked Restaurant on the deposited plan, intoxicating liquor shall not be sold or supplied in that area otherwise than to persons taking table meals and for consumption by such a person as an ancillary to his meal.
21. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
22. On any evening where the premises or part of the premises are open for the purpose of music and dancing, intoxicating liquor shall not be sold or supplied after 23:00 to persons entering the premises or that part of the premises except to:
 - (a) persons who have paid or have paid on their behalf a minimum admission fee of £3 Monday to Thursday and £5 on Friday and Saturday, which may be credited against a substantial table meal but not intoxicating liquor; or
 - (b) artistes or persons employed at the premises;
 - (c) persons attending a private function at the premises of which 24 hours notice has been given to the police and a list of guests shall be kept for inspection by appropriate authorities;
 - (d) guests of the proprietor, a list of whom shall be kept for inspection by the appropriate authorities.
23. No striptease, no nudity and all persons on the premises to be decently attired.
24. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
25. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
26. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The number is currently unspecified.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions related to the Sale of Alcohol

Monday to Saturday

27. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 (12:00 on Christmas Day and Good Friday) and extend until 03:00 on the morning following, except that -
- (i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00:00 midnight and 03:00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04:00 for references to 03:00.
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Sunday

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (b) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (c) On New Year's Eve on a Sunday, 12:00 to 22:30
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

28. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.

- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

- 29. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
- 30. The terminal hour for Late Night Refreshment on New Years Eve is extended to 05:00 on New Years Day.

Annex 2 – Conditions consistent with the operating Schedule

31. CCTV shall be installed to cover the balcony area.
32. Any person under 18 years of age shall be accompanied by an adult at all times.
33. Only non glass bottles or plastic glasses shall be allowed on the balcony at any time.
34. A member of staff shall be present at all times whilst the balcony is in use.
35. No regulated entertainment shall be permitted on the balcony.
36. The Capacity on the balcony shall not exceed 26 seated OR 40 standing at any one time.
37. The balcony shall not be used until it has been assessed as satisfactory by the Environmental Health Consultation Team and the LFEPA.
38. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
39. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
40. Champagne or spirit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles.

Annex 3 – Conditions attached after a hearing by the licensing authority

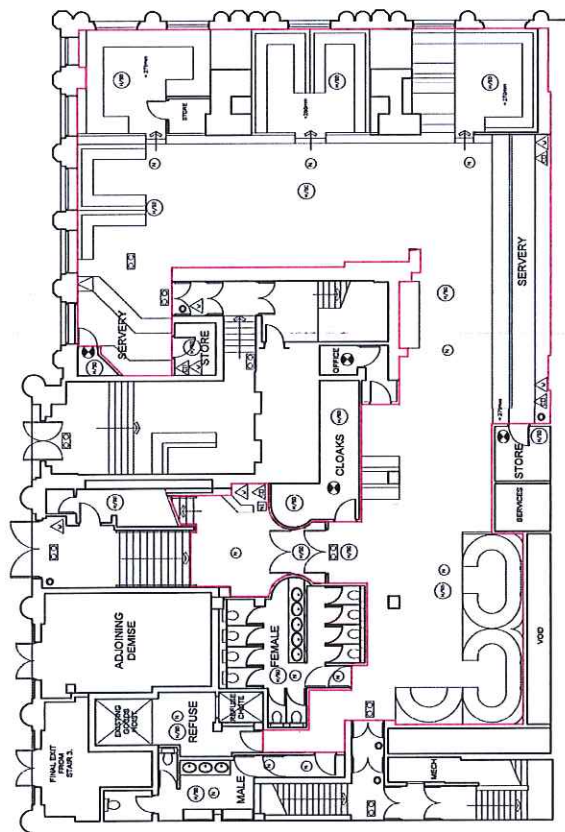
41. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment, showing details of all food and drinks purchased
42. A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
43. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Services.
44. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
45. PROVIDED THAT in any calendar year, there have been no applications for a Temporary Event Notice, on no more than 15 occasions in that calendar year, the terminal hour on Sundays to be 03:00 hours for the purposes of private pre-booked functions to which the general public are not admitted, following 10 working days notice to the Police and the Licensing Authority and subject to the written consent of the Police.
46. AND where this condition applies for less than a whole calendar year, the maximum number of such functions allowed in that calendar year shall be calculated pro rata.

Annex 4 – Plans

Attached

LICENSED AREA

- KEY TO FIRE SAFETY EQUIPMENT**
exact locations to be agreed on site
- ① Fire blanket
 - ② Autostatic heat / smoke detector
 - ③ Emergency lighting point
 - ④ Illuminated exit sign (directional as required)
 - ⑤ Fire extinguisher - dry powder
 - ⑥ Fire extinguisher - carbon dioxide
 - ⑦ Fire extinguisher - water
 - ⑧ Fire extinguisher - foam
 - ⑨ Fire alarm call point
 - ⑩ Audible warning device
 - ⑪ Staff Visible Fire Alarm Warning
 - ⑫ Surface voice evacuation speaker
 - ⑬ Xenon Beacon
 - ⑭ General Fire Notice
 - ⑮ Staff Fire Notice



Link
DESIGN CONSULTANTS LTD
23 BUCKINGHAM GARDENS, LONDON W1J 7BA
TEL: 020 7734 8500 FAX: 020 7734 8501
WWW.LINKDESIGN.COM

Novus Leisure

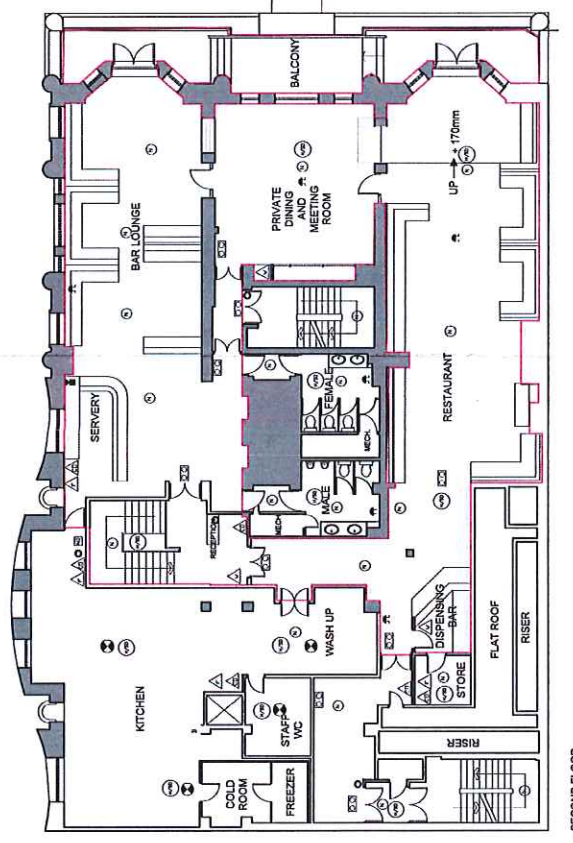
RUBY BLUE

Drawn by: **EXISTING LICENSING PLANS**

Scale: **SEPT 10 1:100 KAU**

Project No: **888** Drawing No: **02**

This document is the property of Link Design Consultants Ltd. It is to be used only for the project and site for which it is prepared. It is not to be used for any other project or site without the written consent of Link Design Consultants Ltd. It is to be kept secure and not to be loaned, copied, reproduced or otherwise disseminated without the written consent of Link Design Consultants Ltd.





Schedule 12
Part B

WARD: St James's
UPRN: 010033554457

City of Westminster
64 Victoria Street, London, SW1E 6QP

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

13/07700/LIPDPS

Part 1 – Premises details

Postal address of premises:

Ruby Blue
Ground Floor
Queens House
1 Leicester Place
London
WC2H 7BP

Telephone Number: 020 7287 8050

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Provision of facilities for Dancing
Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Provision of facilities for Dancing

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Provision of facilities for making Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Playing of Recorded Music

Unrestricted

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00
Non-standard Timings: See conditions 45 and 46

Late Night Refreshment

Monday to Saturday: 23:00 to 03:00
Non-standard Timings: See conditions 45 and 46

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30
Non-standard Timings: See conditions 45 and 46

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 & 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

A3D2 Limited
Clareville House
26-27 Oxendon Street
London
SW1Y 4EL

Registered number of holder, for example company number, charity number (where applicable)

3506401

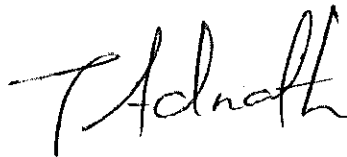
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr John Short

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 19th November 2013



Signed: pp

Operational Director - Premises Management

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- 4.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an

individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Regulated Entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following.
13. An attendant (receptionist) shall be on duty within the vicinity of the cloakroom whilst it is in use.
14. Refuse shall continue to be placed towards the lower end of the street away from the Notre Dame de France Church.
15. The use granted under this licence shall remain ancillary to the main use of the premises as a restaurant and bar.
16. Neither of the internal lobby doors to the ground floor (mezzanine) shall be fixed open after 23:00.
17. No windows shall be fixed open after 23:00.
18. All speakers within the lobby shall be shut off after 23:00.
19. The number of persons accommodated (excluding staff) at the premise shall not exceed: Ground Floor (Mezzanine) - 385, First Floor - 285.

Conditions related to the sale of alcohol

20. In the area hatched black and marked Restaurant on the deposited plan, intoxicating liquor shall not be sold or supplied in that area otherwise than to persons taking table meals and for consumption by such a person as an ancillary to his meal.

Note: the applicant has applied to have the above condition removed.

21. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

22. On any evening where the premises or part of the premises are open for the purpose of music and dancing, intoxicating liquor shall not be sold or supplied after 23:00 to persons entering the premises or that part of the premises except to:
- (a) persons who have paid or have paid on their behalf a minimum admission fee of £3 Monday to Thursday and £5 on Friday and Saturday, which may be credited against a substantial table meal but not intoxicating liquor; or
 - (b) artistes or persons employed at the premises;
 - (c) persons attending a private function at the premises of which 24 hours notice has been given to the police and a list of guests shall be kept for inspection by appropriate authorities;
 - (d) guests of the proprietor, a list of whom shall be kept for inspection by the appropriate authorities.
23. No striptease, no nudity and all persons on the premises to be decently attired.
24. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
25. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
26. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The number is currently unspecified.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions related to the Sale of Alcohol

Monday to Saturday

27. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 (12:00 on Christmas Day and Good Friday) and extend until 03:00 on the morning following, except that -
- (i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00:00 midnight and 03:00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04:00 for references to 03:00.
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Sunday

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (b) On Christmas Day, 12:00 to 15:00. and 19:00 to 22:30
- (c) On New Year's Eve on a Sunday, 12:00 to 22:30
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

28. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

29. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
- (c) to take all other reasonable precautions for the safety of the children.

30. The terminal hour for Late Night Refreshment on New Years Eve is extended to 05:00 on New Years Day.

Annex 2 – Conditions consistent with the operating Schedule

31. CCTV shall be installed to cover the balcony area.
32. Any person under 18 years of age shall be accompanied by an adult at all times.
33. Only non glass bottles or plastic glasses shall be allowed on the balcony at any time.

Note: the applicant has applied to have the above condition removed.

34. A member of staff shall be present at all times whilst the balcony is in use.
35. No regulated entertainment shall be permitted on the balcony.
36. The Capacity on the balcony shall not exceed 26 seated OR 40 standing at any one time.
37. The balcony shall not be used until it has been assessed as satisfactory by the Environmental Health Consultation Team and the LFEPA.

Note: the applicant has applied to have the above condition removed.

38. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
39. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
40. Champagne or spirit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles.

Note: the applicant has applied to amend the above condition to read:

Sprit bottles with a minimum size of 70cl shall be supplied by the waiter/waitress to tables. Staff shall clear all empty champagne, wine and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles.

Annex 3 – Conditions attached after a hearing by the licensing authority

41. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment, showing details of all food and drinks purchased
42. A sound limiting device shall be located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise

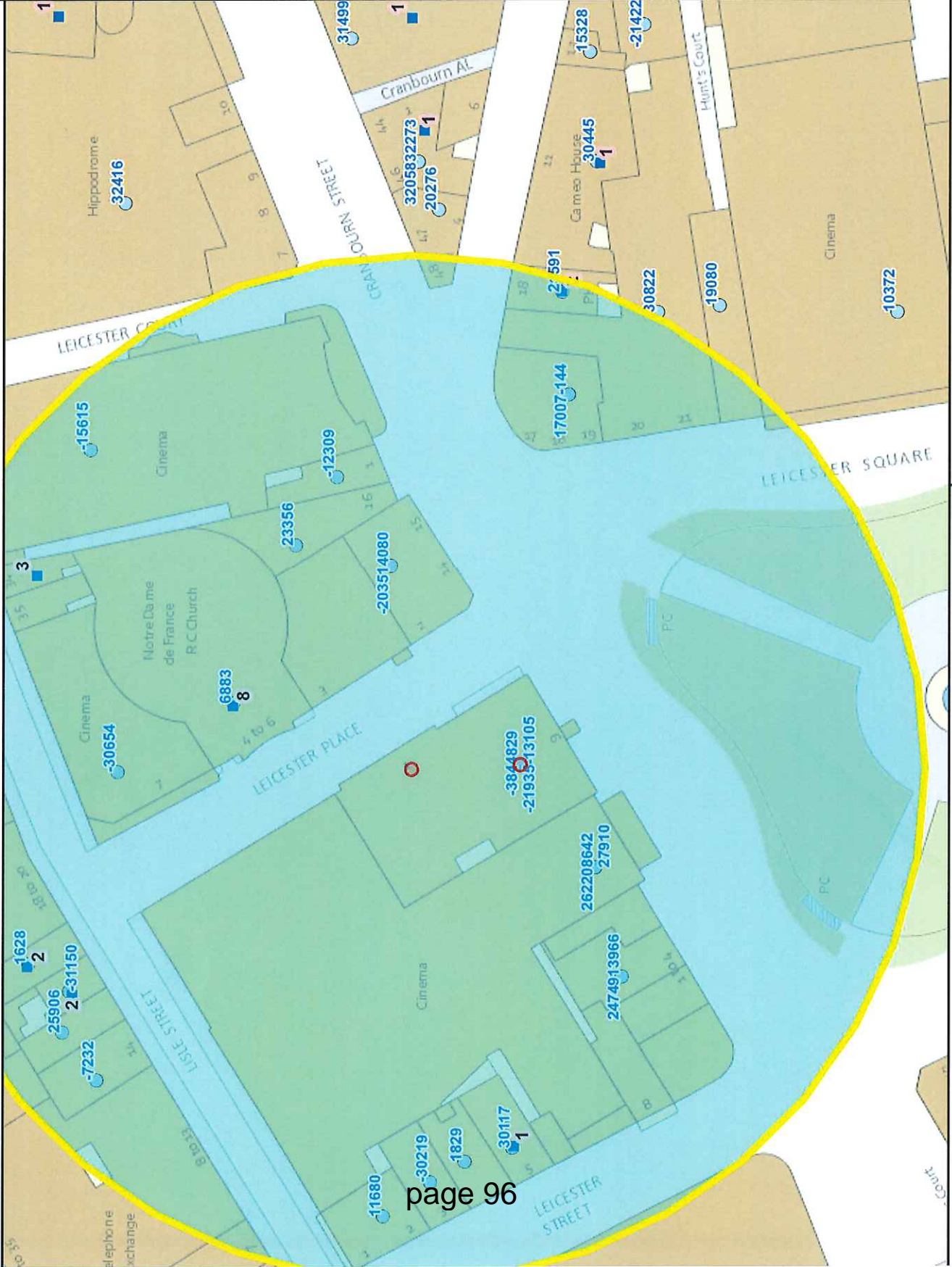
nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

43. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Services.
44. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
45. PROVIDED THAT in any calendar year, there have been no applications for a Temporary Event Notice, on no more than 15 occasions in that calendar year, the terminal hour on Sundays to be 03:00 hours for the purposes of private pre-booked functions to which the general public are not admitted, following 10 working days notice to the Police and the Licensing Authority and subject to the written consent of the Police.
46. AND where this condition applies for less than a whole calendar year, the maximum number of such functions allowed in that calendar year shall be calculated pro rata.



Ruby Blue, Groudn Floor, Queens House, 1 Leicester Place, London
City of Westminster

APPENDIX 4



Residential / Proposed Residential	32
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationary Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100016507

Premises within 75 metres of: Ruby Blue, Ground Floor, Queens House, 1 Leicester Place, London

p / n	Name of Premises	Premises Address	Opening Hours
1829	China City	Ground 4 Leicester Street London WC2H 7BL	Friday to Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 22:30
6883	Leicester Square Theatre	Whole Building 5 Leicester Place London WC2H 7BP	Monday to Saturday 09:00 - 02:30 Sunday 09:00 - 23:00
21591	Zoo Too	18 Bear Street London WC2H 7AS	Monday to Wednesday 10:00 - 00:00 Thursday 10:00 - 01:00 Friday to Saturday 10:00 - 02:00 Sunday 12:00 - 23:00
24749	One London	Third Floor To Fifth Floor 1-4 Leicester Square London WC2H 7NA	Monday to Sunday 00:00 - 00:00
25906	Tao Tao Ju	15 Lisle Street London WC2H 7BE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
26220	The Casino At The Empire	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
27910	WSOPE Poker Room And Slots	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
30388	Young Cheng Restaurant	22 Lisle Street London WC2H 7BA	Sunday 10:00 - 00:00 Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00
-30654	Prince Charles Cinema	Ground Floor And Basement Charles House 7 Leicester Place London WC2H 7BP	Sunday to Thursday 09:00 - 03:00 Friday to Saturday 09:00 - 07:00
-28264	Napoleon's Casino And Restaurant	Basement Queens House 1 Leicester Place London WC2H 7BP	Saturday 10:00 - 04:30 Monday to Friday 10:00 - 06:30 Sunday 12:00 - 06:30
-21122	Mr Kong Chinese Restaurant	21 Lisle Street London WC2H 7BA	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 03:00
-20351	Haagen Dazs UK Ltd	Ground Floor Victory House 14 Leicester Square London WC2H 7NG	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 01:00
1628	Super Star Chinese Restaurant	17 Lisle Street London WC2H 7BE	Monday to Thursday 10:00 - 01:00 Friday to Saturday 10:00 - 02:00 Sunday 12:00 - 01:00
4080	14	Basement Victory House 14 Leicester Square London WC2H 7NG	Sunday 20:00 - 03:00 Monday to Wednesday 20:00 - 03:30 Thursday to Saturday 20:00 - 06:00 Sundays before Bank Holidays 20:00 - 06:00
8642	Empire Cinemas	Ground Floor To Upper Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Sunday 09:00 - 05:00
12890	Pepper Lime	Basement To First Floor 25 Lisle Street London WC2H 7BA	Friday to Saturday 11:30 - 00:00 Sunday 11:30 - 22:30 Monday to Thursday 11:30 - 23:30
17007	Burger King	17-18 Leicester Square London WC2H 7LE	Monday to Sunday 23:00 - 03:00
23356	American Fried Chicken	16A Leicester Square London WC2H 7NG	Monday to Thursday 23:00 - 00:00 Friday to Sunday 23:00 - 02:30
24733	Beijing Dumplings	Basement And Ground Floor 23 Lisle Street London WC2H 7BA	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 03:00
26392	See Woo Supermarket	Ground Floor 18-20 Lisle Street London WC2H 7BA	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
30117	The Imperial	5 Leicester Street London WC2H 7BL	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
-31150	Manchurian Legends	16 Lisle Street London WC2H 7BE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

-30219	Joy King Lau Restaurant	3 Leicester Street London WC2H 7BL	Monday to Sunday 12:00 - 00:00
-21935	Murie's Kitchen	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
-15615	Vue Cinemas West End	3 Cranbourn Street London WC2H 7AL	Monday to Sunday 00:00 - 00:00
-13105	Murie's Kitchen	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
-12309	Bella Italia	1 Cranbourn Street London WC2H 7AJ	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00
-7232	Hong Kong Buffet	Ground Floor To First Floor 14 Lisle Street London WC2H 7BE	Monday to Saturday 10:00 - 03:30 Sunday 11:00 - 03:00
-384	Ruby Blue	Ground Floor Queens House 1 Leicester Place London WC2H 7BP	Monday to Saturday 08:00 - 03:00 Sunday 09:00 - 23:00
-144	Pizza Hut	19 Leicester Square London WC2H 7LE	Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00 Sunday 12:00 - 02:00
4829	Premier Inn	Queens House 1 Leicester Place London WC2H 7BP	Monday to Sunday 00:00 - 00:00 Monday to Sunday 06:00 - 01:00
11680	Leicester Street Hotel	1-2 Leicester Street London WC2H 7BL	Monday to Sunday 00:01 - 00:00
13966	The Penthouse London	Sixth Floor To Eighth Floor 1-4 Leicester Square London WC2H 7NA	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30

Agenda Item 4 Licensing Sub-Committee Report

Item No:	
Date:	22 October 2015
Licensing Ref No:	15/07179/LIPN - New Premises Licence
Title of Report:	China Exchange Gerrard Building 32-35 Gerrard Street London W1D 6JA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	26 August 2015		
Applicant:	China Exchange (UK)		
Premises:	China Exchange		
Premises address:	Gerrard Building 32-35 Gerrard Street London W1D 6JA	Ward:	St James's
		Stress Area:	West End
Premises description:	The premises are to operate as a cultural centre for exhibitions, performances and lectures.		
Premises licence history:	No previous licence history		
Applicant submissions:	Proposed operating schedule and conditions (Appendix 2)		

1-B Proposed licensable activities and hours							
Performance of a Play:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Exhibition of a Film				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Performance of live music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Playing of recorded music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00

Seasonal variations:		N/A					
Non-standard timings:		N/A					
Performance of Dance				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Anything of similar description to Live Music, recorded Music or Performance of dance				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:		N/A					
Non-standard timings:		N/A					
Adult Entertainment:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Rebecca St. Rose
Received:	21 st September 2015
The Licensing Act 2003	

China Exchange, Gerrard Building, 32-35 Gerrard Street, W1D 6JA

I refer to the application for a New Premises Licence for the above premises.

This representation is based on the plans and the operating schedule submitted.

The premises are located within the West End Stress Area.

1. To permit the following Regulated Entertainment (Indoors) on Monday to Sunday from 10:00 to 22:00
 - Performance of Plays
 - Exhibition of films
 - Performance of Live Music
 - Playing of Recorded music
 - Performance of Dance
 - Anything of a similar description to Live Music, recorded Music or Performance of dance

2. To permit the Supply of Alcohol (On Sales) on Monday to Saturday from 10:00 to 22:00 and on Sunday from 12:00 to 22:00.

I wish to make Representations on the following grounds:

1. The activities and hours requested for the Regulated Entertainment will have the likely effect of causing an increase in public nuisance within the West End Stress Area.

2. The activity and hours requested for the Supply of alcohol will have the likely effect of causing an increase in Public Nuisance within the area.

The applicant has provided conditions within the Operating Schedule, **(Appendix 2)** these will be looked at but further conditions may be provided by Environmental Health to satisfy the Licensing Objectives due to the range of activities proposed

Proposed conditions has been recommended by Environmental Health to support the licensing objectives **(see Appendix 4)**

Responsible Authority:	The Metropolitan Police
Representative:	PC Reaz Guerra
Received:	16 th September 2015
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Stress Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area. It is for these reasons that we are objecting to the application.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy STR1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas. Policy HRS1 applies:</p>
Policy COMB1	<p>i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 STR1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what</p>

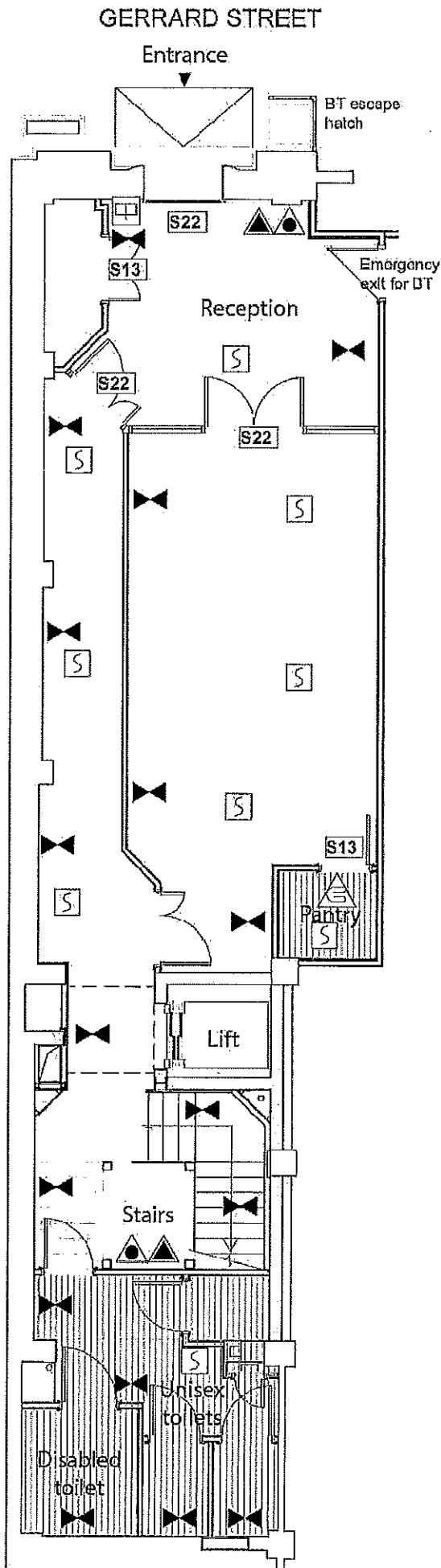
	<p>weight is to be given to the relevant uses and policies.</p> <p>It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&PB2, FFP1 & FFP2, MD1 & MD2.</p>
--	---

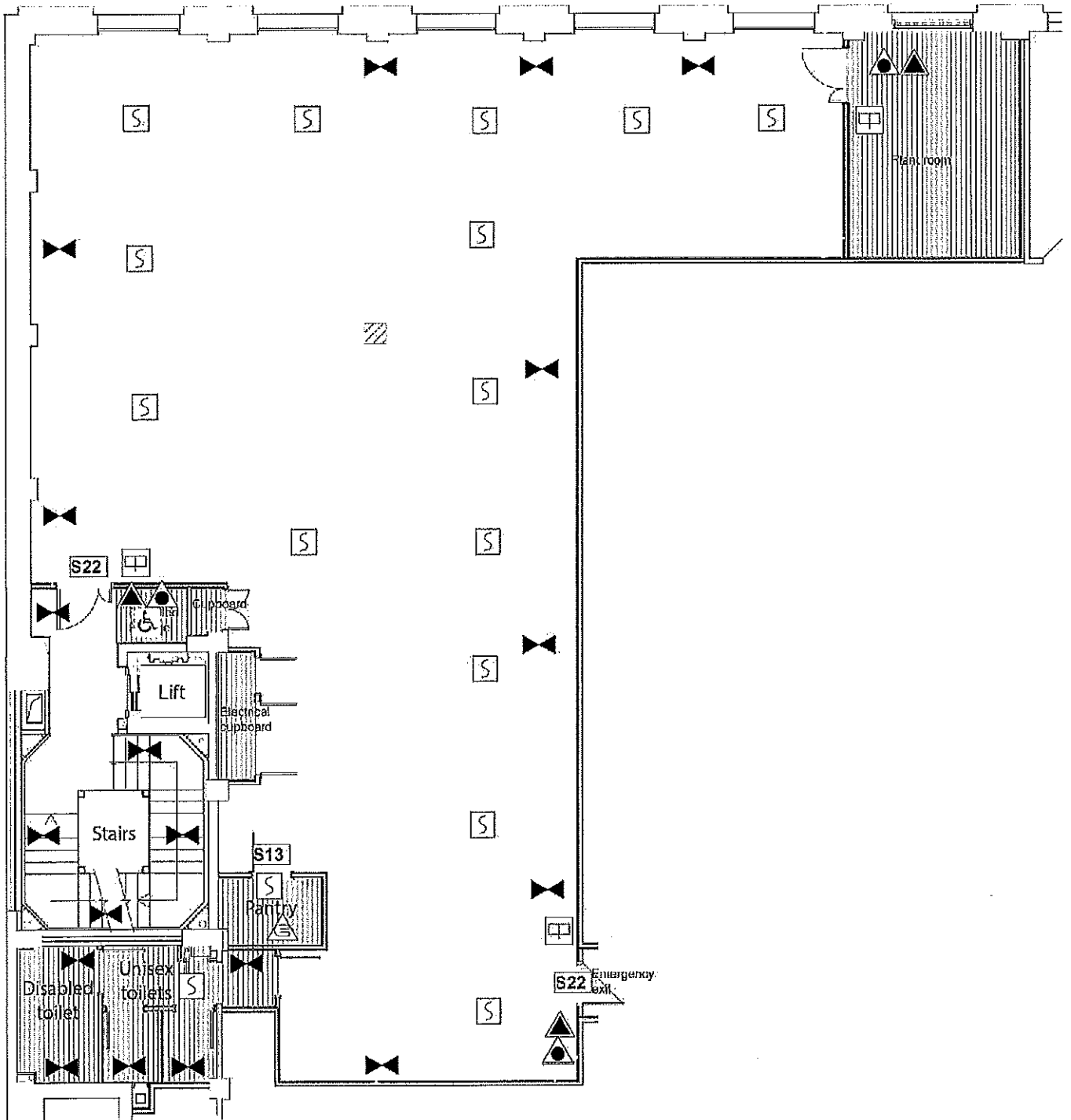
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

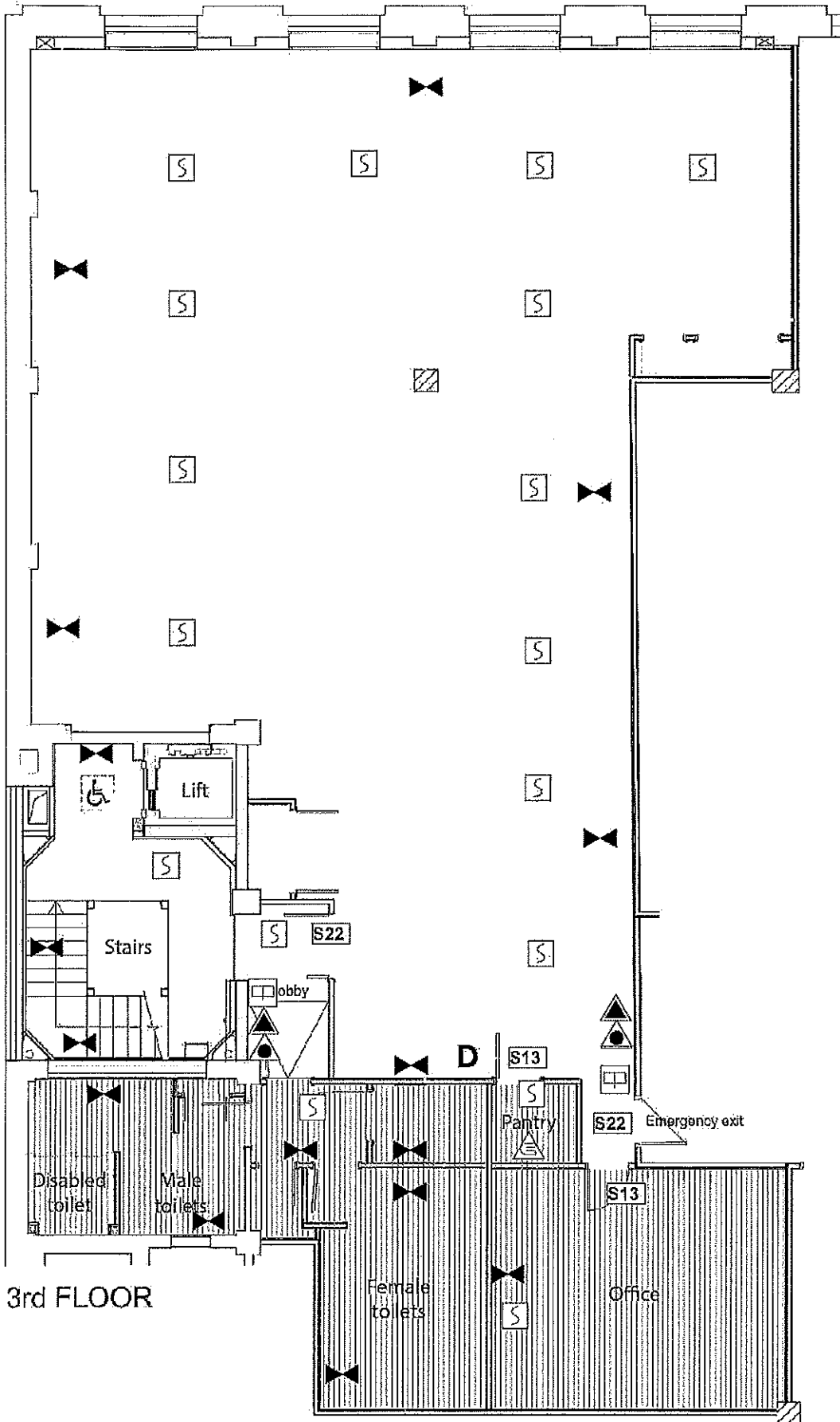
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.		
Background Documents – Local Government (Access to Information) Act 1972		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015





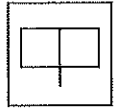
2nd FLOOR

GERRARD STREET



China Exchange Plans – Key

Scale – 1:100 at A4



Fire Alarm Call Point with Fire Action Sign adjacent, the contents of which should be based on the Fire Safety and Evacuation Plan for the premises.



Fire Blanket in container



Carbon Dioxide Fire Extinguisher



Foam Fire Extinguisher



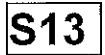
Area covered with a system of Escape Lighting.



Area covered by Automatic Smoke Detectors



Fire exit, exit or emergency exit notice graphic symbol.



Fire door keep shut.

5mm

CHINA EXCHANGE
32-35 Gerrard Street

APPLICATION FOR A NEW PREMISES LICENCE

Proposed operating schedule and conditions following pre-application advice with the City Council's Environmental Health Consultation Team to address

- (1) The licensing objectives**
(2) The City of Westminster's Licensing Policy

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Cultural Centre.
2. Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
3. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
4. There shall be a personal licence holder on duty on the premises at all times when the premises are open to patrons for licensable activities.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
9. The number of persons in the premises at any one time (excluding staff) shall not exceed Ground floor (tic), second floor (tbc) and third floor (tbc).

10. There shall be no self-service of alcohol.
11. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke shall not be permitted to take drinks or glass containers with them.
12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
13. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and businesses and use the area quietly.

Thomas and Thomas Partners LLP

4 August 2015

Licence & Appeal History

There is no licence and appeal history

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Proposed Conditions from the Environmental Health Service

11. There shall be no cinema style showing of films.
12. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting
13. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced

sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952

14. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
15. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
16. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
19. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
20. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

The certificates listed below shall be submitted to the Licensing Authority upon written request.

- a. Any permanent or temporary emergency lighting battery or system
- b. Any permanent or temporary electrical installation
- c. Any permanent or temporary emergency warning system

APPENDIX 5

China Exchange 32-35 Gerrard Street



Residential / Proposed Residential	100
Under Construction	
Other Uses	
Proportion Residential of all Uses	

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number: 100014607

Premises within 75 metres of: China Exchange 32-35 Gerrard Street

p / n	Name of Premises	Premises Address	Licensed Hours
10011	Experimental Cocktail Club	First Floor And Second Floor 13 Gerrard Street London W1D 5PS	Sunday 09:00 - 02:00 Sundays before Bank Holidays 09:00 - 02:30 Monday to Saturday 09:00 - 03:30
10082	Kowloon Restaurant	Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10458	Suki	39 Gerrard Street London W1D 5QD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10612	Loon Fung Supermarket	Ground Floor 42-44 Gerrard Street London W1D 5QG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30

